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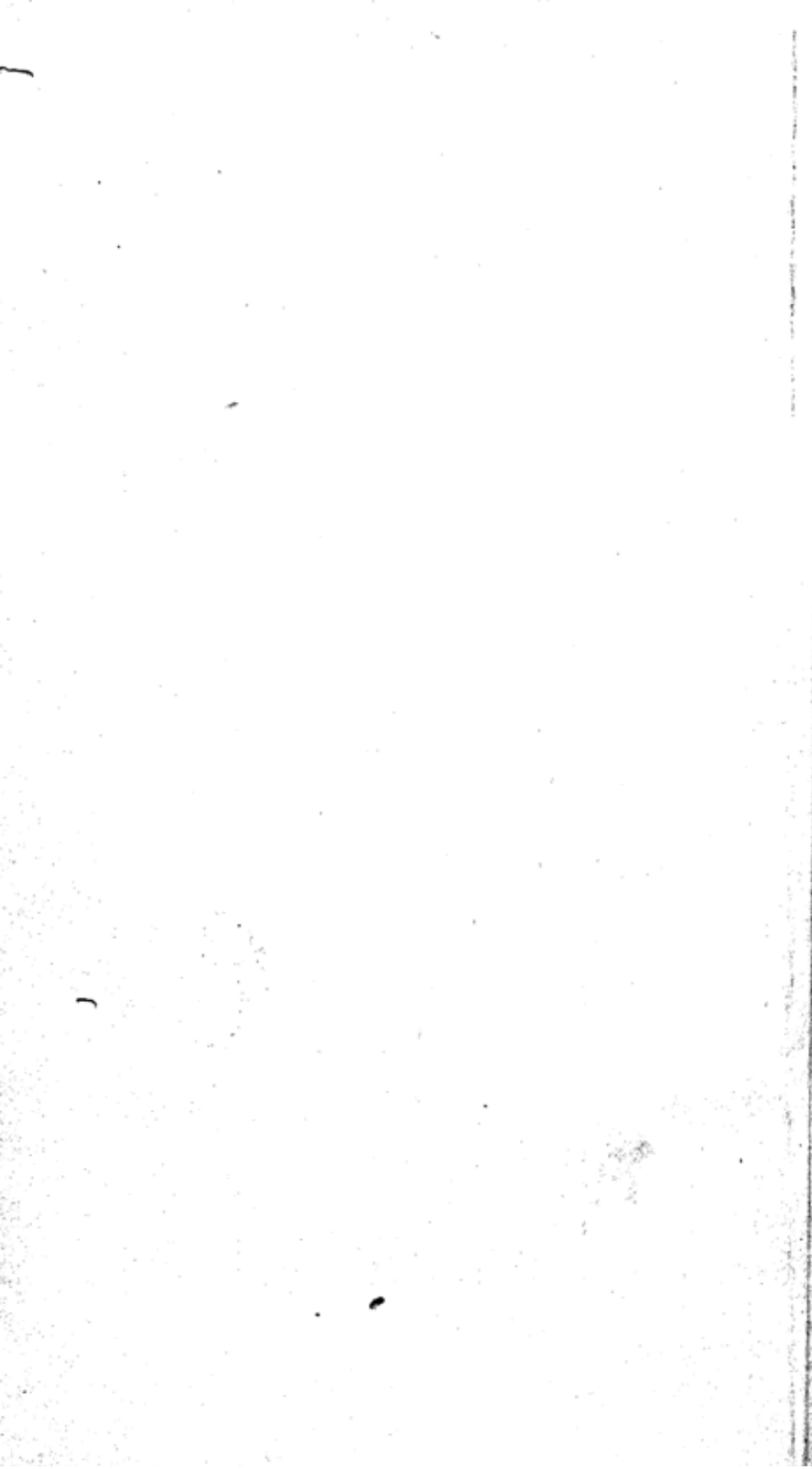
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STUDIES IN KAUTILYA

By

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MYSORE

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KAUTILYA MANDALI PUBLICATION

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पपातामूलतः श्रीमान् सुपर्वा नन्दपर्वतः ॥
एकाकी मंत्रशक्त्या यः शक्त्या शक्तिधरोपमः ।
आजहार नृचन्द्राय चन्द्रगुप्ताय मेदिनीम् ॥
नीतिशास्त्रामृतं धीमान् अर्थशास्त्रमहोदधेः ।
समुद्घ्रे नमस्तस्मै विष्णुगुप्ताय वेधसे ॥
दर्शनात्तस्य सुदृशो विद्यानां पारदृश्वनः ।
राजविद्याप्रियतया संक्षिप्तग्रन्थमर्थवत् ॥

‘Salutation to the illustrious Vishnugupta who sprung from a great family, the members of which lived like sages, accepting no alms, attained great eminence in the world, who shone like the sacrificial fire, who stood first among those who had grasped the end of the Veda ; who, by his genius mastered the four Vedas as if they were only one ; who by the blazing thunderbolt of his magic, completely overthrew the mountain-like Nanda, who, single-handed, by force of his intelligence, and with a prowess like that of the general of the gods, won the earth for Chandragupta, the pleasing prince ; and who churned out of the ocean of ArthaSastra the nectar of polity—Salutation to him !

‘KAMANDAKA.’

I Chap: 2-7

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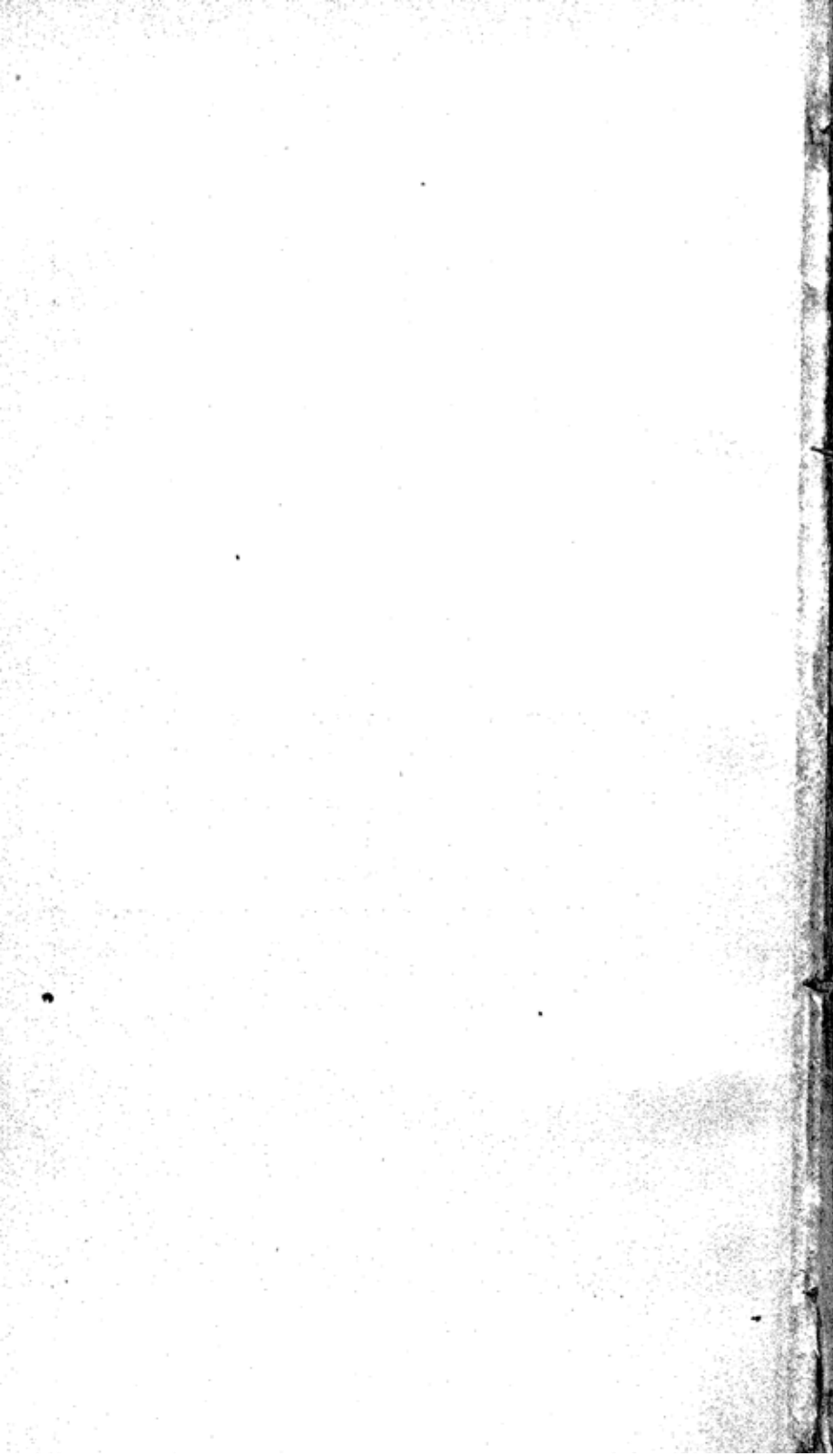
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PREFACE

This Book is the first of the Series called 'Kautilya Mandali Publications' approved by the Kautilya Mandali, Mysore; this Institute was founded in 1942 and is devoted to research and propagation of knowledge about India, past and present.

Unlike most other writers on polity, Kautilya is unique in ancient Indian political thought, for he was both a thinker and a statesman; and he participated in the social and political revolutions of his Age and abstracted from his study of the conflicts, tensions and emotions of the Age, certain general principles capable of universal application, and effective at all times and Ages.

There are certain venerable mis-conceptions about Kautilya and his statecraft. Certitude makes men so confident that their own views are right that they act upon the assumption that other views are wrong. They have the happy certainty that their own opinions are one with ultimate truth. The danger of this certitude is that it makes opposition unendurable to those who possess it. One such certitude has been to look upon Kautilya as a Machiavelli, as though Aristotle, Machiavelli and other European thinkers constitute the yard-stick for the measurement of political genius manifested in other parts of the world. This habit of certitude prevents the student of Kautilya from getting a correct picture of Kautilya's genius and the

nature of his Artha-Sastra, for he is liable to become too conscious of its turbid side, or dreadfully oppressed with its interstatal diplomatic features. To see Kautilya in that Age and weigh him in his many aspects, one needs to go away from his Age and be, as it were, on a pinnacle where he can take it all with one sweeping glance. Modern outlook and the knowledge of the science of Politics will help the researcher, then, to appreciate Kautilya's work in a manner which was unthinkable a couple of decades ago. Here is an attempt to describe Kautilya detached from the inherited prejudices and opinions that have often marred a dispassionate and correct presentation of his personality. Comparisons between Aristotle and Kautilya are made, not with the object to estimate Kautilya's contribution to political thought in terms of Aristotle, but to show how much there is in common between the two greatest Political Thinkers of Classical Antiquity.

The lectures delivered under the auspices of the Mandali, are gathered together in this volume. The main objective of the *Mandali*, in inaugurating the Series, is to give the historical setting for significant Indian problems, to present the underlying ideas involved in such problems, and to indicate trends or tendencies toward their solution, and thereby encourage the formation of correct judgments on matters of fundamental import. I am solely responsible for this publication. In this connection I wish to express my thanks to Sri M. Yamuna-

charya, Professor of Philosophy, Maharaja's College, Mysore, *Raja Karya Prasakta* Sri. A. Subramanya Iyer, B.A. *President.*, Sri T. S. Rajagopala Iyengar, M.A.L.L.B., *Joint-Secretary* Sri M. A. Doraiswamy Iyengar, M. A. L. L. B., Sardar K. Basavaraja Urs, M.A.L.L.B., *Vice-Presidents*, and other members of the Mandali, for their unceasing interest, generous courtesy and encouragement. I am deeply grateful to Sri M. Shama Rao, Proprietor, of the Hindusthan Press, Mysore, for his kindness and courtesy and promptitude with which he has printed the Volume in a very short time.

Kautilya Mandali

Mysore, }

26-1-53 }

M. V. KRISHNA RAO.

INTRODUCTION

The history of the tradition of Indian politics is as old as the *Vedas*, and politics was known in the early *Smritis* and *Puranas*, as *Dandaniti*, whose content was a crystallisation of *Artha Sastra* and *Dharma Sastra* tradition. Though there are references to the existence of political texts earlier than the fourth century B. C., perhaps the most popular and thoroughly scientific and authoritative interpretation of the tradition is the *Artha Sastra* of Kautilya. This work is the quintessence of Aryan political wisdom as was interpreted and expounded by *Brihaspati*, *Bharadwaja*, *vatavyadhi*, and others, and illumined by Kautilya's genius.

With the discovery of Kautilya's *Artha Sastra* by Dr. R. Shama Sastri in 1905, and its publication in 1914, much interest has been aroused in the history of ancient Indian political thought, and many palpable errors of political judgment based on prejudices and mutilated versions of Indian political life have been eliminated or are still in the process of being eliminated. A host of scholars like Dr. Ganapathi Sastri, Jolly, Dr. Winternitz, Meyers and others have done invaluable service in the dissemination of true knowledge about ancient Indian Polity. There has been acute controversy about the authorship of *ArthaSastra*. Some of the versions are : that the term Kautilya is only a pseudonym ; or a symbol of a political tradition, or is a term to signify the subtlety and political sagacity of a great

diplomat who has elaborated in Artha Sastra, the tricks, deceits and stratagems to be employed against the enemy, scornful of consequences and oblivious of their ethical implications.

The author of the ArthaSastra is popularly regarded as the contemporary and preceptor of Chandragupta Maurya; but there is a School of thought which questions this tradition, as Megasthenes, the Greek Ambassador in the Court of Chandragupta does not mention the name of the author and the title of his great work. In spite of these differences of opinion, there are ample evidences to bear out the authenticity of Kautilya and his ArthaSastra; for in the text itself, he is referred to, as the Saviour and Preceptor of Chandragupta. Kamandaka, another celebrated author of polity and who came on the Indian scene, several centuries after Kautilya, re-establishes the same theory; likewise, Dandin in his *Dasa-Kumara Charita* reports that a Vishnugupta composed a political treatise of six thousand *slokas* for the benefit of Mauryan rulers in the administration of the Empire. The ArthaSastra is described by Bana as the science and art of diplomacy. The author of *Pancha Tantra* mentions that the author of ArthaSastra was one Brahmin by name Chanakya. In the authoritative judgment of Ganapathi Sastri, the author of ArthaSastra was named as Kautilya because he was of *Kutila Gotra*, and since he was born at Chanaka, he was called Chanakya, and his parents baptised him as Vishnugupta. Kautilya was the preceptor of Chandragupta and lived in his court like Aristotle in the court of Alexander.

The ArthaSastra begins with a salutation to Sukra and Brihaspati, and is a compendium and a commentary on all the Sciences of polity that were existing in the time of Kautilya. It is a guidance to kings, in acquiring and maintaining the earth. Kautilya says that in the light of this Sastra one can not only set on foot righteous, economical, and aesthetical acts and maintain them, but also put down unrighteous, uneconomical and displeasing acts. He composed the text on the basis of the Scriptures and the Sciences of weapons and of the earth which he rescued from Nanda kings.

ArthaSastra contains thirty-two paragraphical divisions. It has fifteen *Adhikaranas* with one hundred and fifty chapters, and the *Sastra* is an illustration of a scientific approach to problems of politics, satisfying all the requirements and criteria of an exact science. There is the statement of *Prima facie* view, *Purvapaksha*, and the rejoinder, *Uttaraksha*, and the conclusion *Ekanta*; and in the determination of a conclusion all the different steps involved in reaching it are adopted. Facts are discussed with reference to place, procedure, doubt, implication, contrariety *Viparyaya*, *Vakyasesha*, *Anumata*, *Vyakyana*, *Nirvachana*, *Nidarshana* and *anagatavekshana*; reference to previous portions as well as alternatives, *Vikalpa* and *samuchaya* and *Uhya*. Likewise, words in their different connotations, *arthapatti*, implications and application *Atidesa* are examined; also, the author has used his own technical terms *Svasamjna* with a view to ex-

plain recondite and complex political phenomena. Kautilya bases his ArthaSastra not only on the texts of polity that were available during his time but also on the experience and knowledge he had acquired by personal observation and study of political phenomena and institutions. Like Aristotle, he corrects his knowledge of theory with practical experience of the forms and practices of government of his time.

*Sarva sastranyupakramya
Prayoganupalabhya ca.*

ArthaSastra begins with the examination of the end of societies, in order to determine the place of *Trayi*, *Anvikshiki*, *Varta* and *Danda* in the scheme of human existence, as these are the light of all knowledge and an easy means for the accomplishments of great acts, and the sources of a life of virtue. Distinction is made between natural and artificial disciplines, between *Dharma* and *Adharma* and *Naya* and *Anaya*, expedient and inexpedient; *Var-nasrama* plan is elaborated as the foundation of the social order, and duties common to all are prescribed, like the practice of harmlessness, truthfulness, purity, abstinence from cruelty, toleration and forgiveness; the observance of one's duty leads one to *Svarga* and infinite bliss, *Anantya*. The *Swami* who is well educated and disciplined, and devoted to good government of his subjects, will likewise enjoy the earth unopposed. Kautilya describes the life of a saintly king and the importance of the restraint of the organs of sense, in the State. The

qualifications of councillors, priests and ministers who are to support the king in virtue, are laid down, and methods of ascertainment of character and conduct of ministers are examined through the agency of a formidable system of espionage. Then follows the duties of the king and of government servants and so also, an elaborate description of the different Departments of State, each under an *Adhyaksha* regulating its personnel, procedure and administration.

The interpretation of civil law, legal procedure nature of agreements and contracts, ways of resolving and adjudicating legal disputes, constitute the contents of a few chapters of the *ArthaSastra*. Criminal law, *Kantaka Sodhana* is examined next, and measures are described to protect the subjects against artisans, merchants, and administrative officers, and against national calamities due to internal faction and misrule and foreign danger. Likewise, a few *Adhikaranas* are devoted to an explanation of peace and war, policy, nature of external danger, work of invaders and powerful enemies, war and strategy, and above all, of the secret and overt means of destroying the enemy and enlarging the Empire.

Kautilya regards that *Dandaniti* is the source of all *Purusharthas*, and that it is only in a well ordered and well administered and independent State that security of property and of life, material prosperity and *Varnasrama* existence as a support of *Dharma* are possible. The *Dandadhara* sustains the universe of *Dharma*, *Artha*, *Kama* and *Moksa*,

and so long as he is capable of supporting them, they prosper and vivify life ; if he is weak and is bereft of the elements of sovereignty, these *Sadhanas* of earthly and immortal existence, disintegrate and undermine life. Absence of royal power creates the state of weariness of the human spirit, lassitude and corruption of body and soul, the verisimilitude of the phenomena of the State of Nature. Power, *Nyaya*, rightly and judiciously exercised promotes virtue and makes *Dharmic* life attainable. Accordingly, Kautilya pleads for exaltation of royal authority, for the defence of *Varnasrama dharma* and *Artha* and *Kama*, as these are the bases of culture and civilisation. Deterioration, Stagnation and Progress are the steps ordained by nature in the evolution of Statehood and the king should therefore attempt to secure that which is mentioned later in the order of enumeration *ksaya Sthana Vriddhinam Chottararottara lipseta*. The sovereign is beset by internal and external troubles in his attempt to consolidate his Empire. Internal troubles *Abhyantara-Kopah* are due to *Mantri*, *Purohita*, *Senapathi* and *Yuvaraja*.² Troubles are also due to *Sanghas* and guilds and corporations as well as due to *Atma dosa*. The *Swami* has to be eternally vigilant, for the obstructions to success are passion, anger, timidity, haughtiness, desire for the other world, faith in the auspiciousness of lunar days and stars.¹ As intensity of desire and passions provoke one's own

1. *ArthaSastra*, Book VII, Ch. 2.

2. Do. Book IX, Ch. 3.

people, and impolicy provokes external enemies, the *Swami* had to scrupulously avoid these characteristics of demoniac life.

*Kamadiruthsektah Svah Prakritih Kopayati ·
Apanayo bhayah Tadubhayamasuri vrittih*

Kautilya says "whoever has not his organs of sense under his control will soon perish though possessed of the whole earth bounded by the four quarters."²

According to Kautilya, the most formidable impediments to extension and consolidation of Empire were the factious spirit and strife fostered by corporations and ministers. Kautilya was hostile to Republics which were incapable of strong governments as weak Republics were always an invitation for fissiparous tendencies and invasions from without. He says "acquisition of a *Sangha* is more desirable than an alliance of good will or military aid. Those which are united in a league should be treated with the policy of subsidy and peace, for they are invincible. Those which are not united should be conquered by army and disunion. Thus, by a policy of disunion should the *Ekaraja* consolidate his dominions."³ Kautilya respects the autonomy of stronger Republics and treats such confederate Republics in terms of equality; while he favours the view, of others being either subsidised for military assistance or if iso-

1. Book III Ch. 9 : Kamah Kopah, Sadhvasam Karunya Sanukrosata Paralokapeksha Dhambikatvam, Mangala Tithi NakshatraStihtvam, Labha vignah.
T Ganapathi Sastri.

2. ArthaSastra Book I, Chapter 6.

3. Book XI, Ch. 1

lated and incapable of survival, being weakened and reduced by a policy of internal disunion. Kautilya warns the *Swami* against the reenactment of the tragedy of such lives as those of *Dandikya Bhoja*, *Karala*, *Videha*, *Ajabindu Sauvira*, *Ravana*, *Duryodhana*, *Vatapi*, *Haihaya* and *Talajanga*. These were all the rulers of Republican States that had existed before the time of Kautilya. Panini mentions of *Trigarttas*; *Dandaki*, *Tanaki*, *Yaudeha*, *Madra*, *Vriji*, *Andhaka Vrishni* and other Sanghas, a few among whom were *Ayudha Jivins* which Kautilya designates in his *ArthaSastra* as *Sastropajivins* contrasted with *Rajasabdopajivins*, Sanghas whose rulers assumed the title of *Rajan*.¹ The *Satvats* who were identical with *Vrishnis* had the *Bhaujya* constitution whose rulers were called *Bhojas*. The *Andhaka* rulers are mentioned in the *Mahabharata* as *Bhojas*. The *Yaudehas* also were called *Bhojas* later. Kautilya mentions of other Sanghas as *Panchalas*, *Kurus*, *Sauviras*, *Haihayas*, *Kshatriyas*, and *Sreni* which perhaps was an abbreviation of *Agra Sreni* noticed by Alexander. Each of these Republics had their own *lakshanas*, and *Anka* which was a symbol adopted by elected rulers who gave it up when they went out of office.²

The most serious of all dangers to kingly authority and a source of peril to the Empire was the inordinate and insensate ambitions of ministers on whose sense of duty and responsibility rested

1. Jayaswal Hindu Polity, p. 36, 43.

2. *ArthaSastra*, Bk. XI, Ch. 1.

the safety and integrity of the dominions. Accordingly, Kautilya lays down a high and an exacting standard and norm for ministers. The qualifications of ministers were to be : high birth, knowledge, foresight, wisdom, boldness, eloquence, intelligence, enthusiasm, dignity, purity of character, firmness, affability, loyalty, devotion, freedom from procrastination feeble mindedness and sentimentalism, and lastly, self control.¹ These were high qualifications worthy of the splendour of the end in view and commensurate with the maintenance of an order of society on a truly spiritual basis. It was the minister from whom all activities of the State emanated, such as the successful accomplishments of the works of the people, security of person and property from internal and external enemies, remedial measures against calamities, colonisation, and improvement of wild tracts of land, recruiting the army, collecting the revenue and bestowal of favours.² Kautilya, realizing the importance of ministerial power, recommends that the *Swami* should be vigilant and protect himself against the machinations of ministers. The *Swami* was also to realise that in case defeat was certain against internal and external enemies, he should flee the country, for self-preservation for the moment as an expediency, would be the foundation of future success.

1. Artha Sastra, Bk. I, Ch. 6. Bk. V, Ch. 5 Bk. 3 Chap. 1

2. do Book IX Ch. 6

*Drista hi jivita punaravaptih Yatha Suyatro-dayanaabhyam.*¹ If the *Swami* lives, his return to power was certain as it happened in the case of *Suyatra* and *Udayana*. The *Swami* should guard himself against all kinds of treachery.² Calamities come from Providence or from man; *Vyasana* is the absence of virtue and the preponderance of vice. *Guna pratilomyamabhavah pradosah prasangah pidava vyasanam*. That which deprives a person of his happiness is calamity: *Vyasyati enam sreya-sah iti vyasanam*. The aversion of all calamities is from activities that proceed from the minister who would look to the successful accomplishment of the activities of the people; for the minister is aware of the importance of the treasury as a means of self-realisation. When any part or one of the elements of sovereignty is under trouble, the extent the affection and strength of the serviceable part can be the means of accomplishing a work. *Kosa Mulohi dandah, Kosabhava, dandah param gachati, Swaminam va hanti, Koso hi dharma kama hetuh*.

Internal troubles due to the power of ministers might be more dreadful than external troubles, for trouble works like a snake. Mutual hatred, partiality, rivalry and divided rule destroy the State. The control of internal and external troubles is possible effectively only by the people recognising as their ruler a high born prince. Kautilya seems to favour a high-born but a weak king to that of

1. Artha Sastra, Book VII Ch. 1.

2. do Book XI, Ch. 1.

a strong but low-born king, as it is a natural predilection of mankind to obey a high born king for his virtue and high moral excellences rather than one given to intrigues and surreptitious activities in order to win power. *Durbalaabhiratam Prakrtayah Svayam Upanamanti Jatyamaishvarya prakritih Anuvartata, Anurage sarvagunyam iti.*¹ The king even when he was powerless was the symbol of state² and of all *Dharmic* duties. Rulership was the highest in society for all times. He was the standard of sovereignty to rally loyalty and hold the Empire together and Kautilya is unequivocal in his acknowledgement of the paramountcy in the State, of *Dharma*, law and *Swami*.

Accordingly, Kautilya envisages the birth and expansion of an Empire of righteousness under the *aegis* of a high born and noble king supported by an enlightened, magnanimous, high souled and selfless ministry. The notion of frontiers of such an Empire is expressed in his description of *Chaturanta-Mahim*, and he defines the imperial field as lying between the oceans and the Himalayas. Kautilya uses the terms *Desa* and *Chakravarti* in the place of *Sarvabhauma*, *Samrat* and *Adhipathya*, perhaps to emphasise the basic idea of territorial sovereignty within which the fundamental unity of *Janapada* was to be secured by bureaucratic centralisation and the development of unilateral authority under the inspi-

1. Artha Sastra, Book VII, Ch. 2.

2. do Book V. Ch 6.

ration of one outstanding personality.¹ *Desha Prithvi tasyam Himavat samudrantaram udichinam yojana sahasra Parimanam tiryak chakravarti kshetram, tataranyo gramyah parvata audaki bhaumah samovishama iti viseshah.*² The Empire is to consist of a territory lying south of the Himalayas and extending to the oceans with an area of one thousand *Yojanas* and covered with forests, villages, waterfalls and lakes and rivers, level and fertile plains in which strenuous work could be undertaken conducive to power and prosperity; furthermore, strenuousness was to be determined with a proper appreciation of strength, place and time of undertaking, as these were complementary. *Parspara Sadhaka hi Sakti Desa Kalah.*

This was the dream of Kautilya and he witnessed during his own life-time, the irresistible expansion of the Mauryan Empire under Chandragupta and Bindusara. Most of the principles of polity, enunciated by him were adopted by the administration; and ArthaSastra turned out to be a text book for princes; like the rain of night, it restored colour and force to political ideas which had been blanched and wearied by the acute religious controversies of contending religions, like Brahminical Hinduism and Buddhism; with gentle fertilising power, it awakened within the mind of his contemporaries many latent elements and gathered round them materials for the future, and images for

1. ArthaSastra, Book III. Ch. 1.

2. „ Book IX. Ch. 1.

the use of talent. The *ArthaSastra* brought up the lagging side in all the vitality around the individual and asserted for man, the worth, the meaning and the possibility of human life. The period of Asoka witnessed the fulfilment of Kautilya's dream of a *Dharma rajya* which vivified the experience, the knowledge and the matured reflections of the past and opened out the far vistas of moral possibility. The Age gave the individual, some conception of the solemnity, the vastness, the unity and the purpose of life, and to search after some of the essential relationships of man to man. Asoka built his great Empire on the basis of Kautilya's *ArthaSastra* and scheme of administrative machinery outlined in its pages. And thus Kautilya was the prophet of Asoka's kingdom of righteousness.

The discovery of *ArthaSastra* has contributed much to the enrichment of the knowledge about ancient India. It was in the fitness of things, that with the birth of Indian Independence, we should be inclined to antedate our existence, for occasional inspiration and guidance, to that period of classical antiquity when Kautilya, Chandragupta, Bindusara and Asoka by a supreme effort of the soul, realized for mankind, a distinctive and unique political experience, not yet repeated even imperfectly, in any part of the world since then.

STUDIES IN KAUTILYA

Life And Times By way of introduction, it is
Of desirable to say a few words,
Aristotle about Aristotle who has so much in common with Kautilya. The 'Politics' of Aristotle more than any other single book gives an orderly and comprehensive notion of what the Greeks meant by the State. His 'Politics' is the embodiment of shrewd experience and political sagacity. Like Plato, Aristotle sees the need of reconstruction of society on enduring principles of goodness and justice. But reconstruction is to be on the foundations of the past, and Aristotle does not break sharply with the past and as a profound student of Hellenic civilisation in all its phases and existing political institutions, has a contribution to make to the science of Politics whose principles are based on deductions from contemporary political data.

Plato was Aristotle's master, and Plato's political inheritance passed to an equal who could maintain the continuity of speculation and could be sufficiently independent to give a fresh impulse and direction to inquiry. Aristotle founded his School in Athens in 335 B. C. twelve years after the death of Plato and there he composed his five great books on Politics. There might have been long intervals between the appearance of one book and the other. The career of Macedon was needed to make

the failure of the city states of Greece quite manifest. Aristotle was one of those who was saved for philosophy by belonging to a small state which was then in ruins. He was forty years younger than Plato to whom he came for study at the early age of seventeen and remained as a pupil for a considerable period.

Aristotle's father Nicomachus lived at the Court of Amyntas as a physician and friend, and he was from Stageira ; and Aristotle's mother was of Chalcidean origin. Aristotle spent the best part of his life in Athens which in spite of its decline had left a permanent impress on his mind. With the death of Plato in 347 B. C. and the succession of Spensippus, the nephew of Plato, to the headship of the School, Aristotle quitted Athens with Zenocrates, not in a spirit of antagonism, but with a zest for adventure and in search of a place to establish a School, assisted by Zenocrates and Hermias, his friends and also pupils of Plato. He peregrinated from Athens to Atarneus, where he married the niece of Hermias, and then went to Mytilene and in 342 B. C., he was summoned to Macedon to become the teacher of Alexander who was then only thirteen years of age. It was a matter of surprise that Aristotle should have been willing to exchange Platonic Academy to the humble position of a tutor to Alexander, at Pella.

Alexander became king of Macedon in 336 B. C. and Aristotle whose love for Greece and the autonomy of Greek City States was intense, moved

south to Athens. Aristotle's close connection with Alexander and Antipater and with Macedonian Nicanor made his position at Athens precarious, for he found himself in the midst of foes. Alexander's triumphant return from Asia, his interference in the internal affairs of Greek states and his demand of subservient homage from the Greeks, and lack of discrimination in rule and in methods of treatment between the Greek and the Oriental, wounded Aristotle to the very core, for Aristotle was too good a friend of Macedon for the Athenians and too firm in the assertion of Hellenic dignity and self-respect for Alexander. As a result of storm of anti-Macedonian feeling after the death of Alexander in 323 B. C., Aristotle was indicted of impiety on account of his scolion to Hermias and was threatened with punishment. He retired before trial to Chalcis where he died in 322 B. C.

Aristotle combined a high estimate of the contemplative life with a high estimate and a noble conception of friendship. He saw Athens in its faction-ridden condition which was morally and politically ruinous, and he hoped to be of service to Greece through Macedon, and accordingly advised Alexander to rule the Greeks as the head of a hegemony and the Orientals as a despot. Macedon was to be content to rule the Greeks as freemen should be ruled and Greece was to silence her factions and call to power those who would rule rationally and for the common good, such as those who are swayed by reason rather than impulse, and

exposed neither to the corrupting influence of extreme wealth nor to the equally ruinous effects of extreme poverty. He yearned for the establishment of a '*Modus vivendi*' between Macedon and Greece and regarded the Hellenes as possessing the best right to rule in virtue of their well-balanced union of heart and intellect.

Aristotle made clear the philosophical basis of Plato's teaching and systematised the notions of political science, particularly the conception of state, its end and true organisation adapted more to the individual than to the divine. He invested political science with supreme authority over the life of the individual and the arts and sciences dependent on it, and required it to rise to the level of the great position assigned to it. He ascribed to political science an ethical aim, a practical purpose and yet an ideal method. Political science was to construct an ideal state, and further to make the state workable by men and thus useful and beneficial.

Authenticity of Kautilya

Kautilya might be regarded as a contemporary of Aristotle. There has been a keen controversy either about the authenticity of Kautilya's existence, or about the genuineness of his Arthasastra. Jolly and Schmidt in their edition of Arthasastra and Winternitz, A. B. Keith and Hillebrandt, Beni Prasad

and others differ violently as to the date of Kautilya from the well-known Indian scholars on the subject and whose integrity of scholarship and historical judgments cannot be challenged. The more one reads the Arthasastra, the more he is persuaded to realise that the assertion about the date of Kautilya by Dr. R. Shama Sastri, T. Ganapati Sastri, R. G. Bhandarkar, K. P. Jayaswal, K. A. Nilakanta Sastry and others has the air of infallibility about it. ¹⁾

Evidences are not wanting to prove that Kautilya's work contains many references to a period which might be regarded as similar to that of Alexander's invasion of India. The Arthasastra was an effort to reconstitute a decomposed social order, rudely shaken to its foundations by Hellenistic contacts. The statement '*Kautilyena Narendrarthe Sasanasya Vidhih Krtah*' is significant indicating Chandragupta as the Emperor. ² Tradition too mentions of Kautilya as the preceptor of Chandragupta, just as Aristotle was of Alexander. Legends reveal that Kautilya was a student at Taxila and that he as the companion of Chandragupta contacted Alexander in one of his campaigns in the valley of the Punjab and came back to his original home determined to emulate the example of

1. R. Shama Sastri; Arthasastra. Fleet's Introductory note; T. Ganapathi Sastri's introduction to his Sanskrit critical edition of the Arthasastra; K. P. Jayaswal Hindu Polity, Appendix; R. G. Bhandarkar: *Annals of the Bhandarkar's Institute*, VII 1925-26.

K. A. Nilakanta Sastri *Annals* XXVIII, 1947

2. Ganapathi Sastri: *Arthasastra*: Book II, 11

the great conqueror. The progress of a conquering king *VIGIGISHU* like that of Alexander was indelibly impressed on the mind of both the preceptor and the pupil and a detailed description of an ideal king on the march is manifest in many, *ADHIKARANAS* of Arthasastra. ¹

Again, Kautilya was placed about the fourth century A. D. on a level with the ancient rishis in point of antiquity and the high reputation of his work. ² Kautilya probably belonged to Magadha and lived in Pataliputra where there was complete identification of the individual and the community. Kautilya might have even shared the political and imperial splendour of the incomparable Pataliputra which might have turned out to be a necessary ferment in the maturation of his political ideas. Kautilya's Arthasastra reads like the notes of an official ³ with an all-round experience based on practical knowledge. The accounts that he gives of agriculture fit in admirably with conditions that existed and that exist in south Bihar, the home of original Pataliputra. References ⁴ to the size of the village in close proximity to a fairly populous part,

1. Asvagosha in second century A D refers to Vigigishu and to Kautilya in the words Kshetravidya Paridhrisheshu, Niti Kautilya Prasangeshu' *Buddhacharita* XI

2. Johnston while discussing *LANKAVATARA SUTRA* (4th century A D) says that 816 verse in the sutra speaks of the following order of Rishis: Panini, Katyayana, Yagnavalkya, Valmiki, Masuraksha, Kautilya and Asvalayana. J. R. A. S. 1929, p. 87.

3. Arthasastra : Book II, 12

4. do Book VII, 12, 30.

the repeated mention of forest tribes of central India, the preference for trade routes to the South of India by Kautilya confirm the view that he might have lived in Magadhā. ✓ The religious data in Arthasastra suggest that Kautilya flourished, within a couple of hundred years after the birth of Jainism and Buddhism. ✓ Vedic ritual was still in vogue, and Kautilya seems to have attached great importance to Vedic sacrifices and their potency in warding off evils, afflicting the state. There are references to *Agnisthoma*, *Madhyamopasad*, *Ahargana*, *Brhaspatisavana* and *Rajasuya* rites and to their efficacy as Yagnas. ¹ Kautilya mentions of Vedic deities as Agni, Varuna, Yama, Asvinis, Vaisravana and Jayanta, who had to be propitiated for averting national calamities; and accordingly, the king was advised to visit such places of worship. ² Other deities that were housed within the fort were Vaijayanta, Vaisravana, Aparajita, Durga, Apratihata and Siva and Vishnu. It is remarkable that there is no reference in the Arthasastra to Buddhism or Jainism and probably these religions had not attained great prominence; ³ but the text abounds with references to Pasanda heretics with matted hair, and Bhiksuki and female mendicants. Caitya and Stupās in the original sense of burial grounds, ⁴ installed at some distance from the city '*Smasana Pramukhe*' are referred to by Kautilya, probably

1. Arthasastra: Book III, Sec. 14, Book V, Sec. 3

2. Do : Book XIII, Sec. 1, 2, 91, Book IV Sec. 3

3. Deutsche Morgenlandische Gesellschaft, 1929, P. 250.

4. Arthasastra: Book XIII, Sec. 2.

as crematoria haunted by evil spirits. The Buddhist or Jaina mendicants enlisted themselves in the service of the king as informants or spies or recluses feigning fasts and penances and pretending offering oblations to Gods but secretly watching movements of suspected characters. The descent from the ideal of the fourth Asrama to that of the second for purposes of defence of state's integrity, even in the case of ascetics was commended by Kautilya, and he ordained that heavy fines should be imposed on all who embraced asceticism without making sufficient provision for their families. Kautilya discouraged psuedo-asceticism as that would devitalise society and would militate against strict observance of ASRAMA stages of existence, which were so important in the fulfilment of the highest ends of the State. Kautilya had a natural horror of the Buddhistic religion which had ceased to be metaphysical and by inculcating renunciation had tended to disintegrate social life.

Like Aristotle, the author of the Arthasastra felt that to hold aloof from office and political activity and to spend one's life in pure contemplation is not the only course worthy of a philosopher; nor is it on the other hand, to devote oneself to an inactive life. Those whose minds were busy with thoughts that were an end in themselves were active in the truest sense, for a life of this kind involved an internal inter-action of parts. The best life was the practical life, the life of activity (Udyama) in accordance with virtue and the capacity for the

highest kind of action. It was in a mental activity of this kind that the state found its culmination, in a speculative life not without some admixture of political activity. The SROTRIYA attended to religious and spiritual welfare of the state, and the RITVIK and the PUROHITA received the highest salaries (48,000 Panams per annum) as they were to conduct propitiatory ceremonies to avert national danger.

As in the polity of Aristotle, so too in the polity of Kautilya, the Purohita was not an element of sovereignty, but was an important agent in the preservation of State's integrity. He was a judge and magistrate, councillor and adviser to the King and went to the battle-field to stimulate soldiers with enthusiasm by quoting Vedic authority and promising them the delights of paradise. There is a keen appreciation of the significance of Vedic Dharma (Trayidharma) and the Srotriya has a definite place in the scheme of Kautilya's polity and he quotes the well-known statement, that guided by the SROTRIYA the Kashatriya-ruled kingdom prospers.¹

Kautilya was a firm believer in the Brahminical theory of the Universe and a strict adherent to a social system founded on Brahminical religion and custom with its four castes and Asramas. But Kautilya was a lover of Ahimsa² and the prohibition of suicide and of castration of animals are instances

1. Arthasastra: Book I. Sec. 9

2. „ Book I, Sec. 3

to demonstrate the influence of Buddhistic teaching 'SARVESHAM AHIMSA SATYAM, SAUCHA-MANASAYANRSHAMSYAM KSHAMA CHA' At the same time, Kautilya provides for slaughter houses and permits the sale of fresh meat. Though it is difficult to reconcile Kautilya's preaching of Ahimsa with the provision of slaughter houses, one cannot escape the conclusion that Buddhistic influences had slowly begun to permeate a society which Kautilya loved and which was dominated by ritualistic Brahminism with its sacrifices and ceremonials.

Kautilya was the first political thinker who sensed the impact of Buddhism on the vital religion of Brahminism which was to be transformed by the impulse of a new dharma by about the end of the fourth century B.C. Kautilya's love of Trayidharma was too intense for a reconciliation and a compromise. At the same time, Kautilya could not avoid the fascination of the doctrine of Ahimsa inculcated by Buddha.

Kautilya's preoccupation, with auspicious and purificatory ceremonials of magical and mystical rites, his fear of the unknown, his belief in the efficacy of spells, incantations and witchcrafts, bear eloquent testimony to his faith in the AtharvaVeda. Arthasastra was regarded as the UpaVeda of Atharva Veda as well as of Rigveda, and Kautilya was indebted for his faith in Arthasastra and Atharva Veda to Brhaspati. The Arthasastra of Brhaspati

was one of the primary sources of study for Kautilya¹ as Brhaspati Sutra was for Asvagosha, Vatsyayana, Bhasa and the seer of the Mahabharata. Kautilya likewise mentions the Schools of Manavas, Barhaspatyas, Ausanasas, Ambhiyas (Taxila) Parasharas and individuals like Bharadwaja, Vishalaksha, Pisuna, Kaunapadanta, Vatavyadhi and Bahudanti Putra. Some of the passages in Kautilya bear close resemblance to passages in Brhaspati-Sutra.²

Kautilya's attitude to religion was secular and not apathetic. As Sen says Kautilya is not immoral but unmoral in his politics; he is not irreligious but unreligious in his politics³ and is prepared to use religious sentiment and religious institutions for political expediency and for the noble ends of the state. The injunctions of Brhaspati are accepted by Kautilya. *Nitih Phalam Dharmartham Kama Avaptih: Dharmena Kamartham parikshai*—pleasure and advantage are to be tested by right Dharma Dharmena, Artha Arthena, Kama Kamena—right by right, Advantage by advantage, pleasure by pleasure; but Dharmapradanam Purusharthana.⁴

1. Arthasastra by Sharma Sastri: Second Edition, pages 6, 29, 63, 177, 192, 375.

2. Brhaspati Sutra, Adhyaya I. Atmavānraja; Atmavantan Mantrinām Apadayet. See Arthasastra Bk. I. Sec. 1; in the description of the King, use of Nalikas; of the components of VARTA, in the description of the fruits of policy as the attainment of right, advantage and pleasure, in the dedication to Tirthas there is great similarity between the two philosophers.

3. Calcutta Review: December 1926

4. Brhaspati Sutra: Adhyaya II 43-55

Right is the main factor in policy and not personal objects. Certain fundamental postulates are recommended against *ADHARMAKESHU*¹ Kautilya recommends the method of keeping weapons inside an idol to destroy an enemy king who comes for worship;² to frighten the enemy and encourage his soldiers, the king was to give publicity to his 'power of omniscience' and his power of holding intercourse with the Gods. Spies were to be concealed in the interior of hollow images to speak to the king.³ Sinister methods were to be adopted whereby an enemy king could be got under power and magical tricks were to be employed to fascinate⁴ them. Witchcraft is suggested as a part of the art of war.⁵ All these bear out the lively interest, Kautilya had in the injunctions of Brhaspati and in the content of the AtharvaVeda.

Another parallel that strikes any casual student of Aristotle and Kautilya is not merely their contemporaneity, their close association to the two great conquerors, Alexander and Chandragupta, but their attitude toward the republican forms of government in a state of decrepitude and decay.

Aristotle was a lover of a well-balanced constitution, and spoke of the necessity of watchfulness

1. Kautilya: Arthasastra, Bk. XI, Ch. I.
Bk. XII, Ch. 2

2. Arthasastra: Bk. XII, Ch. 5

3. do Bk. XIII, Ch. 1.

4. do Book XIII, Ch. 2

5. do Book XIV, Ch. 1

to prevent infractions of legality and designs of hasty innovation for purposes of self-aggrandisement. Good government was also necessary, and power should be given to men who are not only skilled in the work to be done, but also endowed with the type of virtue which is most in harmony with the particular constitution. Vigilance, good conduct, thoughtfulness for those excluded from power, moderation, and a suitable training for the citizens are the safeguards of a constitution.¹ The State must be so organized as to develop within it a class of virtuous men and philosophers who assert the supremacy of reason both in the state and in the heart of the individual. To Aristotle political art then was the means by which the individual was enabled to make the link which bound him to the State which was a blessing, though the state could not overrule nature and fortune or make good all defects of material and circumstance. Political art could not render human society everywhere all that it ought to be, but it could point out what the state was at its best.

Kautilya likewise was distressed at the weaknesses of city states and Sangha Rajyas manifest all over the country, and pleaded for an organic conception of the state which should have one directing organ; the King² was to the Saptangas as the Brain was to the human body. Kautilya felt the need of arresting forces of disintegration

1. Newman: *The Politics of Aristotle*, p. 538

2. *Arthashastra*: Book VIII, Ch. 2, Bk. I. Ch. 3.

and tried to abolish it by exalting Dandaniti and making the king the apex of the whole structure, demanding conformity to Varnasrama Dharma, on the part of the various classes. The course of the progress of the world depends on the science of Dandaniti and the central thought is the methods of those who wield the power of the state. Arthasastra was written more from the standpoint of the governor rather than the governed and this reveals that Kautilya was interested in the establishment and operation of the machinery of government, in the forces through which governmental power was generated and applied so that the integrity and solidarity of the state was preserved and without lapse to MATSYA NYAYA.

Plato true to the mind of his master Socrates had made it the aim of his knowledge that it should issue in action, and he even attempted to translate his philosophy into action himself and to induce Dionysius to realise the hopes of his Republic. The politics of Aristotle was also meant to guide the legislator and the statesman and to help them either to make or improve or at any rate to preserve the states with which they had to deal. Macchiavelli had written 'The Prince' with the object of indicating the methods by which Lorenzo de Medici could make himself master of all Italy, and Bossuet commanded by Louis XIV undertook the education of the Dauphin for the same purpose.

Kautilya wrote his Arthasastra for Chandra Gupta Maurya¹ and gave, probably, the first authoritative account of political and social conditions in the Gangetic plain in the Age of Alexander. A large number of autonomous political societies similar to the contemporary states of Greece and Italy flourished in India between 600 B. C. and 323 B. C. They constituted the first experiment in Republican and democratic government. In the Indus Valley down to Sindh, the Agrasrenies, Muchikarnikas, Ambastas, Vasatis, the Brahmanas were the principal tribes with Republican traditions. In the West there were the Khambojas, the Katas with a high reputation for courage and skill in war, the Saubhuties, the Yaudheyas, and the two federated peoples, the Sibis, the Malavas and the Kshudrakas, the most numerous and warlike of Indian nations of the day. There is the unimpeachable testimony of Kautilya about the existence in Middle India with which he was familiar, the Kukuras, the Kurus, and the Panchalas with republican forms of government and the classical Vrishnis. In the regions comprising modern Bihar and Bengal, a number of republican peoples existed in the time of Kautilya like the Sakyas, the Kolulas, the Mallas at Pava and Kusinara, the Vajjians, the Bhaggas and the Moriyas.

The Governments of these Sanghas conformed to a general type which was first described by Aristotle. The chief organ in these States was a large deliberative Council. The Council of 7707

1. V. A. Smith: The Early History of India, p. 137.

kings among the Vrijikas; the Council of 500 among the Sakas; the Assembly of 5000 among the Yaudheyas and the Council of Elders among the Ambastas. Elaborate regulations as regards the moving of resolutions, the taking of votes and other matters of procedure obtained in these Councils as in the Councils of the City-states of Greece. The Councils were aristocratic or oligarchic and the citizens of each Sangha greatly exceeded in number the members of the ruling classes. The method of choosing a king, of organising the judiciary and the administration were similar to that obtained in Greek towns. A great spirit of individual freedom prevailed among the Sanghas; Arrian and other Greek writers testify to the high intellectual and literary eminence of the people, particularly the Lichechavikas and Vrishnis, who by their philosophic and literary activity promoted that ferment which was to blossom out in the, great reformist religions of Buddhism and Jainism.

As in the case of the City states of Greece, the Sangha Rajyas soon became a prey of party strife and their unity and brotherhood were threatened by internal disorder, mutual jealousies and hereditary factions. The missionary preaching of Buddhism, Jainism and Vaishnavism was another source of disintegration, in that citizens were persuaded by an inner urge to desert their homes and ranks of public life and to go out on mystic quests and this undermined the tribal solidarity of the Sanghas.

Kautilya, like Aristotle, was an admirer of the Sangha solidarity and its excellences, but he was to make use of them for purposes of policy and for the realisation of Imperial destiny. It was a Kautilyan axiom that just as a man never does his duty unless threatened by Danda of the King, nothing could be expected of States and Sanghas possessing no conscience and obeying no common superior; and therefore Kautilya argued that the concept of *Chaturanta Mahim* fitted in with his estimate of human nature.

Nature of Kautilya's Genius

Kautilya gives an orderly and comprehensive notion of what the Aryans meant by the state. In the Artha Sastra, Kautilya embodies the commonsense of ancient Aryan life raised to a higher power, and clarified and systematised by a master mind. Kautilya is faithful to the religious and political principles that inspired Aryan life. His Artha-Sastra is like Aristotle's Politics, and is not an arbitrary creation or a work of fancy, but stands in much closer relation to reality than the works of earlier *Smrtikaras*. Like Aristotle again, he is a great student of the existing Republican governments, *Dwairajya*, *Vairajya* *Arajya* and other *Sangha* forms of government, and is the best interpreter of Aryan civilization on its economic and political side. He takes account of all current conceptions and actual institutions and in an

attempt at a synthesis of their foundations of belief, lifts both the ideal and the real into a higher plane of thought.

Kautilya too, like Aristotle, has the same fearlessness of intellect, the same passion for truth and the courage to put faith in reason, and in following its guidance, to take no account of its consequences. Kautilya has the same cautious reverence for the sacred Laws of the past and this alternates with bold utterances in moments of illumination that are rarely met with in other Indian political thinkers. Like Aristotle's *Politics*, the *ArthaSastra* reveals classic clearness of outline and precision of form. There is reflection as well as observation. Kautilya compares his reports, weighs his evidence, conscious of his own office as an inquirer after truth, and is thoroughly scientific, and is detached in criticism of contemporary phenomena. He is not the victim of oversubtlety which is the vice to which modern scholars are inclined. His thought and expression of thought are not menaced by the love of formal antithesis and of fine-drawn distinctions. The primitive energy of technical words is unimpaired but a kind of distinction to what was familiar in his times is imparted. Absence of exaggeration and an unobtrusive propriety of diction, directness of vision and sharp outlines of thought are revealed even to a cursory study of his work.

To reason and not to emotion Kautilya addresses the final appeal. The shadow of fatalism

which rested over the Epics is removed and Kautilya like Aristotle, stresses the importance of individuality and individual responsibility and the value of human endeavour in securing the best in this life; for, the doctrine of moral responsibility for consequences which every Hindu accepted, made it obligatory for every man to realize the duties of his station and fulfil them to the best of his abilities. Kautilya is philosophic, not as a speculative philosopher who has a system to expound, but as one who looks beyond the particular phenomena with which he is dealing and discerns the universal type in and through the individual monarch.

His philosophy of History is not fatalistic. History is no longer the result of the vengeance or jealousy of superhuman powers, but the expression of human intelligence. Kautilya's analysis of *Mantra Sakti*, *Prabhu Sakti*, and *Utsaha Sakti* is penetrating and he seeks to discover through them a rational basis for political conduct. Reason is a formative and conquering power, and he believes that a strong and clear intelligence can prevail over outward circumstances and can shape events; that victory is assured to those who see things as they are and shun illusion and who at the same time summon to their aid of thought a sustained and courageous energy, wisdom and heroism. The description of the king's attributes as corollaries of Royal power is amazingly similar to what Thucydides puts in the mouth of Pericles: the words 'Debate we hold, does not mean action; the mischief is rather

setting to work without being first enlightened.¹ There is the application of a clear and fearless intellect to every domain of life. The analysis of social organization is rationalistic, completely divorced from dogmatic and theological considerations. There is the awakening of the lay spirit and an attempt at secularisation of political and social life. The Sacerdotal influence is slight; not there were no priests, but the priests never became Corporations. They accompanied the king in war and not as theologians but as liturgical functionaries. The *Purohit* has no place in Kautilya's concept of *Sachiva Tantra*.

Again, there is a striking resemblance between Kautilya and Aristotle as regards their conception of Statehood. The State rests on definite and enduring relations which were above the caprice of individuals. The *Arya* as the citizen enters at birth into the common heritage of race, language and custom and he found about him a frame work of customs and institutions which he had not made and as little could unmake; within the sphere of his group, he moved as in his native element and felt no revolt against the fixed conditions of his civic existence. He was virtually one with all the rest, one with the social organism and with his own environment.

To both Kautilya and Aristotle, the City or State was not an organisation, but an organism; it

1. Thucydides: 11: 40

was no lifeless machine of government, no alien force imposing itself on the citizen, but a living whole which took upon itself all individual wills. It was the individual on his ideal side, his true and spiritual self and the glorified expression and embodiment of his noblest aims and faculties. It was the symbol of a higher unity in which the individual merged his separate self. Society under the king was an organism to Kautilya while the Society and State were one and indivisible to Aristotle. Man was complete in the State and he had no rational existence outside it. Only through the social organism could each part develop its inherent powers. The Greeks and their philosophers had an abiding sense of man's helplessness and of the mystery of man's fate, and there is no trace of the thought in them that the human race is advancing towards a divinely appointed goal. Deeply corrupt in all its parts, society does what it can to debase the noblest of its members and the only chance of regenerating it lay in subjecting the individual to the rule of the Philosophers in the State.

But, the Hindus believed in progressive expansion and orderly development. They pinned their faith in an ideal and in the creation of a great spiritual sentiment transcending local limits and intertwined with the highest hopes that could be conceived for humanity. They looked to a spiritual restoration.

To Aristotle the State is indistinguishable from Society. The State is not an association for the

protection of rights only, and is not brought together by force or fear, for increase of wealth, for the development of trade or for the extension of empire. It is animated by a single aim, to live the noblest life of which man is capable, unimpeded in the exercise of the highest qualities, moral and intellectual, dowered by nature. The State had a spiritual function. The City was the teacher, the guide of life and sovereign educator. Aristotle attributed to the state, a more complete personality than it really possessed and did not appreciate the independent worth and dignity of all human beings. He only speaks with a glow and with enthusiasm of man in the exercise of his sovereign authority of reason. Aristotle did not realize that within the deeper regions of man is embedded a self which colours man's personality and which is a common bond which unites all human beings. He had no deeper view of the human brotherhood. The moral and intellectual wellbeing of the citizen ranks first among the ends of the State. The acquisition of wealth is secondary. Wealth, trade, Empire, material comforts, all must be subordinated to this paramount end. The people ought to be possessed by the disinterested love of what is noble and should pay heed to that higher elevation of moral and intellectual achievement, of learning and science and culture, which is the crown of social existence. Aristotle thought that the greatness of the State was not in its structure or in its institutions but in the quality of its individual citizen.

Aristotle invested the City with a sacred character from the outset, made it the home of Gods and the embodiment of moral law and a spiritual centre for its citizens. He invested the City with divinity, because he realized that in aspiring to be secular and a material power, Athens had lost her spiritual domain. There was the weariness of the flesh and the lassitude of the human spirit and these were evident in the lyrics, poetry and drama of Athens. Her greatest writers, like Pindar, Sophocles, Aeschylus all craved for a religious centre and for some authoritarian voice in conduct and belief. The foundations of right and wrong and public and private morality had been questioned. The City State had been cut into factions, and violent intestine feuds had sapped the vitality of the Greeks. The disease of internal feud was like an epidemic. Thucydides stated that this fell disease "Stasis" or internal dissension or factious strife would consider defects of character as excellences and change virtue into something foreign to man's nature; inherited animosities had aggravated the disease and the life-blood of the state was poisoned and fevered and every organ lost its natural and healthy action. With loss of sanity and unity came the loss of that spirit of youth and independence which had created great poetry and art.

Aristotle speaks in Book VIII of one of the forms of the Oligarchical oaths pledged not only to be loyal to one another but to do to the opponents all the harm of which they were capable. In this

Chapter which he calls the Pathology of Greek Society, he diagnoses the disease as due to an imperfect sense of political justice, leading to a contempt of intellectual worth and moral goodness; and he suggests that by education and the adoption of the principle of the Mean and a reasonable and practical policy, the disease might be controlled and remedied. Where was there a power which could restore unity and could rest morality once more on a sure basis?

Both Plato and Aristotle turn to the State and associate with it many of the functions which were afterwards adopted by the Christian Church. The State on the secular side regulated production and distribution of wealth; it laid down minute rules for the guidance of the individual from the cradle to the grave; it exercised complete control over all practical arts and took the charge of completing the education and culture of its citizens. But the control over the individual extending even to the details of domestic life and thought could not but defeat the purposes of culture and free self-development, which the State was intended to promote. The state sketched by Plato and Aristotle is modelled largely on the Constitution of Sparta and Crete and exhibits their defects in an extreme form. It must be said that the problem of the relation between the state and the individual was very imperfectly solved in Greece. In Athens, individual liberty was most regarded and only certain urgent public needs were supplied mainly by

the precarious method of private generosity instead of by the state organisation. In order to realize the functions of state effectively, Aristotle says that the true limits of the population of a state is the largest number which suffices for the purposes of life and which can be taken in at a single view.¹

According to Aristotle, states are like plants or animals and so cannot exceed a certain size without losing their true nature. Law is a kind of order, and good law is good order; but the majorities cannot be clearly without the aid of some divine power or an institution that is invested with divinity. Wise decisions and wise election of governors of the state would be achieved only when the citizens know each other's character, and this is possible when the states are small; otherwise if they exceed beyond a certain point, they will have to face new duties and responsibilities, and in the result their colour changes and their outlines lose their sharpness.

Aristotle did not therefore contemplate in any of his political writings, Imperial States in which one state rules a number of others, because the conquering states would be incapable of taking responsibilities outside their natural sphere of action and the conquered would chose to be self-sufficient and thus lose their true existence; thereby, the state would not be able to realize the best life and might do permanent harm to states in which the best life flourished.

1. Politics IV, Newman: Vol. pp. 313-14

Aristotle did not envisage federations wherein individual governments are equal and are connected for common purposes by a common central government. To him, both empires and federations were incompatible with city or state's existence in perfection and with the good life of its members. Aristotle was so much absorbed in the promotion of the good life and the abolition of internal dissensions that were enfeebling the body politic, that he was prepared to represent the prevalent feeling which desired even outside Hellenic interference and an arbiter from outside who would succeed in eradicating the causes of disorder and the diseases which infected the State and thus defend the solidarity of Hellenism. This was a current of thought in Socrates and Plato who, dismayed at the gradual dissolution of political integrity of City States, longed for a strong government of reason, and for a world of duty and of thought beyond and transcending the state. The desire for peace and internal reform was so strong in Aristotle that he would not object to Macedonian conquest and extension of power, provided the surest guarantees of the *polis* was assured to the Greeks in the preservation of the integrity of the soul of Hellenism. He was for a policy of unity and reorganization.

B

To Pandits and Dharmasastrakaras, Kautilya, like Machiavelli, is, a malevolent councillor of tyrants; to some, the noble spokesman of national

liberties, or of emancipation from foreign domination and internal misrule; to some he appears as a realistic politician, to others as a political philosopher. As both the philosophers have been understood differently by different people and in different epochs, one should not easily be induced to interpret the author's meaning by translating the *Prince* or *Arthasastra* into categories of his own. If one has been led to focus his attention upon the wrong point he can easily convince himself that he has seen what he wanted to see. Accordingly, it is important that the danger of imposing one's own assumptions, conscious or unconscious, upon the philosopher is avoided; and Kautilya ought to be interpreted in the light of his own aims and avowed intentions, of his peculiar genius and his dominating passions, the changes he desired to accomplish in the thought and the political practice of his day rather than in the light of the historical consequences of his thought and teachings. It is necessary that one should come to 'The Arthasastra' as historians and not as theorists who hanker after a synthesis. There is no effort to transport political theory embedded in speculative realms to a region of empirical observation. It is not intended to convey that Kautilya's teaching was merely a collection of concrete maxims, warnings and injunctions in regard to points of policy or rules of conduct for specified emergencies as war, famine and pestilence, or merely an exposition of tactical moves against neutral or belligerent states. Kautilya made political science more theoretical

than before, by attaching to it certain dogmas and observable principles enunciated by the earlier Arthasastrakaras.

Kautilya, like Aristotle, aimed at the establishment of *Rajadharma* as a permanent science just as Machiavelli aimed at creating statecraft into a permanent science. Long experience and native and spontaneous judgments are regarded as essential guides to political action, though conformity to political principles and rules is demanded as a measure of victory. There is a certain rigidity and dogmatism about many of his assertions which warn the princes and the ministers, that the surest way to ruin a state was to contravene a certain principle. In Machiavelli and Kautilya, one notices very often the commendation of a particular policy or expedient for adoption by the practical statesmen; so too occasionally, an analysis of a particular historical event reveals an element conditioning political action which is recognised as a principle of universal validity capable of application in subsequent cases.

- Kautilya, like Machiavelli, thinks of the great past of India and the misery of the country which had been desolated by Alexander's campaigns. The consciousness that India in the second half of the fourth century B. C. had opened the gates to disasters following foreign domination and rule was a great incentive to historical inquiry and political analysis; and the country seemed to move on to enter upon a more intensive self examination.

Both Machiavelli and Kautilya distinguished themselves by claiming that in the study of history, one could discover not only that causes but also the cure of the ills of the time. Kautilya repeatedly in his *Artha Sastra* cites examples of kings of the past whose deeds and misdeeds had to condition the attitude and policy of kings of the future. It is an affirmation of the doctrine of limitation and of historical recurrence and therefore the necessity to deduce general laws from historical data. This attitude of Kautilya to the history of the past was determined by his conviction of the intrinsic superiority of the ancient world as a guide to human behaviour in the present.

Aristotle and Kautilya believed in the immutable and unchanging human nature, its domination by primordial passions moving individuals at all periods to the same kinds of action and culminating in the same crises and catastrophes. History tends to fall into repeating patterns instead of progressing to an unpredictable and inscrutable future; and this is inescapable destiny, for men are alike and they tend to imitate one another, which act is an conscious imitation of the best; and the success of a certain expediency or policy adopted in the past should determine the present, for historical circumstances are constantly repeated. Principles of statecraft are to be discovered from examples of history which run in cycles repeating similar situations and problems. According to Aristotle, Machiavelli and Kautilya, a state might be

raised to a condition of greatness and power by a stroke of fortune or by a mighty act of volition on the part of the king. The philosopher was convinced that peoples become degenerate if there was no vigilance, and if extraordinary energy was not constantly and continuously displayed by the ruler. Thus he had a high opinion of Armed Republics of his time and admired their forms of government which were a harmonious blend of monarchical, Aristocratic and Democratic elements.

Kautilya and Aristotle looked upon history as a storehouse of examples rather than a field of general experience. Kautilya in his *Artha Sastra* not merely sets out to observe contemporary politics and describe how men actually do conduct affairs, but brings to bear his critical political acumen on the contemporary world and perpetually warns the king against *vyasanas* that surround him, and directs him how he ought to behave under such circumstances. Accordingly, the political maxims of Kautilya are not mere codifications of the practice of the time, but principles discovered by intuitive perception of political truths and by a process of verifiable observation, and operative not merely on the present but in the future. History suggests alternative courses of action, and the choice between alternatives is limited. Accordingly, Kautilya introduces as Machiavelli did later, a formulae of elasticity in political action conducive to the correction of whatever inconvenience and defections that might arise from too rigid a pursuit

of either course of action. Kautilya has a great insight into the unpredictable elements, chances and complexities of history and discovers that political tactics in a fluid world must be flexible;

Both Kautilya and Machiavelli have admiration for power and efficiency in man. Machiavelli glorified the state and emphasised the right of the state to the loyalty of the individual. Man has no right against the State; rather man reaches his greatest height in subordinating himself to the community; for, Machiavelli believed that the state was necessary to the development of mankind. Kautilya too glorified the state and regarded the king as morally and legally the foundation and source and the embodiment of all sovereign authority. As all other footprints vanish in the footprints of the elephant, so all Dharma disappears in the Rajadharma. The four important objects of government are to obtain a kingdom, to preserve that which has been acquired, to increase that which has been acquired and to have a proper enjoyment of that which has been acquired. To this end, six kinds of policy are advocated, with the result that war and conquest are among the primary duties of the sovereign who in pursuit of territory and statesmanship may get the formalities aright and ignore the moralities. Kautilya gives sanction to all kinds of trickery in order to make men believe that the king was omniscient and that he worked continually in partnership with the gods. The acme of political success was achieved when a king could boast that

he was able to bind the princes with fetters of cleverness and play with them at his pleasure. He says "He who shoots an arrow kills but one at best but he who has clever thoughts kills even the babe within its mother's body." It is clear from this that both, while conscious of a broad philosophic basis for their doctrines, confine themselves entirely to questions of immediate practical concern. The principles of practical policy for given conditions are substantially identical in the minds of the two philosophers. Kautilya like Machiavelli relaxes the rigidity of political canons in accordance with the change of circumstances and the suitability of political conditions. The ideal of both is a state whose ends are expansion and attainment of widespread dominion. It is not merely the necessity of the existence of the state, but a state pledged to expansion, because human affairs are in constant flux and motion; that is the first principle of their philosophy.

These are the lessons that he learnt from a retrospect of the past wherein is revealed the passions of history and the essential features of the historical processes. If Machiavelli suffers from what Nietzsche designated as the malady of *historitis*, burying his head in the past and being merely the channel for classical influence, particularly of Roman ideals and institutions, Kautilya is merely an admirer of the past of his country; he is not in the grip of the dead hand of the past, but looks to it for occasional warning and inspiration. History

to him is a rationalised record of human experiences and its lessons are valuable as and when occasions arise. Some of these are : the prince should not create new law which contradicts or violates ancient customs ; governments and constitutions cannot be overturned easily unless the people themselves have become corrupt, and therefore the Prince or statesman ought to take account of the temper of the times ; tumults and commotions cannot injure any state where the people are not corrupt ; but where they are degenerate, the best laws and institutions will be deprived of all their efficiency. The mass of the people may be mistaken on general principles but are apt to be right on particular issues.

The maxims of Machiavelli are often addressed to princes in an anomalous position and to those who carry on normal government, or to traditional monarchs who are secure in the love of their subjects. He has the usurper or the new monarch in mind and *the prince* is not merely a text book for usurpers. Likewise, the strategems for men of war which Kautilya has described in the Artha-Sastra are based on sound knowledge of the complexities of human nature. These devices, tricks and strategems are useful not only to tyrants and usurpers, but also to the good reforming princes. Napoleon Bonaparte and Chandragupta, Asoka and Akbar are the true portraits of his technique and method. Kautilya is aware that the *swami* can never be safe in a state where those are alive whom he has deprived of power. It is much more

dangerous to threaten a man than to put him to death, for in one case a prince exposes himself to a thousand perils, but in the other case he runs no risk at all. Men must be either caressed or annihilated. There are no degrees of wickedness and it is not wickedness and squeamishness but wickedness and downrightness that go together and a wicked man who is not wholly wicked should be despised, for the Swami would achieve his greatest triumphs not by squeamishness but by a conscious and scientific study of human nature and its varied manifestations.

The real aim of Artha Sastra was the demonstration of precepts relating to political action, and the essence of its teaching was the promotion of a more scientific state-craft; Kautilya wrote in order to produce a change in the political practice of his day. He wanted to change the statecraft of his own generation, for he noticed like Machiavelli, that the disasters that had overtaken India as a result of Alexander's invasion were not due to misfortune and an inscrutable destiny, but were the result of improvidence, indolence and misrule. He discusses alternatives and provides principles of political action against all eventualities. He was intensely aware of the combination of chances and possible complications that would intervene in the pursuit of a policy. Kautilya did not overlook the place of fortune in the affairs of men; but he thought that by foresight, the king and ministers could insure themselves against the caprice of time and chance.

Kautilya accordingly, in his *Artha Sastra* discusses what is the nature of sovereignty, what kinds of it there are, how they are acquired, how maintained and for what causes lost. His treatise is an enquiry into natural history, how a certain region of historical event which contemporaries would accept as the province of chance, could be brought under human control by systematic and self-conscious statesmanship. Things should not be allowed to be governed by chance which if unopposed and unchallenged would direct her attack upon the nonresistant themselves; and a disarmed state which is entirely left to the caprice of fortune and is allowed to adjust itself to every change of the wind, is a willing victim of vitality, of human foresight and of self-assertion.

So much was Kautilya distressed at the weaknesses of the states of his time that he thought it necessary to overhaul the existing system. His School of thought was not merely concerned with systematic theorising about statehood and society; he made *Rajadharma* of his country and time an object of immediate concern. Kautilya as a *Srotriya* ¹Brahmin was not to lose himself in vapid speculation about the mysteries of existence; he emphasised again and again, that state was a life on which depended the social, religious and individual happiness and that the bases of civilisation were rooted in polity and that *Danda* which protected the people was the womb of civilisation. The king is the *Udyata Danda* and in whom all the

1. Canakya iti vikhyatah srotriyah sarvadharamavit

*prkriti*s or elements of government are concentrated.¹ He is the source of authority as well as the first citizen—*Tulya vetanosmi bhavadhihsah Bhogyam idam Rajyam*. So, the foundation of policy is the education of *swami* who cannot be an autocrat with likes and dislikes, but has to identify himself completely in the promotion of the prosperity and happiness of the state.² Kautilya, makes a great advance over his predecessors in elaborating the distinctions between *Dharmasthiya* (protective measures of law,) and penal law, *Kantakasodhana*. The *swami* was not merely to ensure obedience to existing law, but had to take the initiative in enacting or promoting new laws “*Dharmapravartakah*”. Kautilya discovered that the exigencies of politics required the impartial objectivity of *Dharma* beensaturated with equally legal expedencies of policy and *Artha*. The *swami* was the foundation of society and it was his *Dharma* to provide for the very basic foundations of civilised existence even in conquered countries, and to make good life possible. As he is the background of *Dharma*, his education is self-discipline. From hearing ensues knowledge, thence steady application, *tyaga*. Then self-possession *Atmavatta*. Thus knowledge is not regarded as an end in itself, but only as a means of self-realisation. Though the *swami* is to be instructed in philosophy (*Anvikshiki*) in *Travi*; (*Veda*) in *Varta* (economics) and in politics, (*Dandaniti*), the main purpose of his

1. Raja Rajamiti prakritisāmkshephah

2. Prajahite Hitam Rajnah—prajanamtu priyam hitam

education is the control of the organs of sense. Absence of discrepancy (*a-vipratipattih*) in the perception of sound, touch, colour and flavour, by means of the ear, the eyes, the tongue and the nose is what is meant by restraint of the organs of sense (*Indriyajayah*); strict observance of the precepts of the sciences (*Sastranushtanamca*) also means the same; for the sole aim of all the sciences is nothing but the restraint of the organs of sense *Kritsnam hi sastram idam Indriyajayah*. Who ever is of reverse character, and who has not his organs of sense under control will soon perish, although he possesses the whole earth bound by the four quarters. The goal of education is *Atmavatta*, and the prince is therefore enjoined to abandon lust (*Kama*) anger (*Krodha*) Greed (*Lobha*) Vanity (*Mana*) haughtiness (*Mada*) overjoy (*harsa*).

CHAPTER II

KAUTILYA'S STATE IS PLURALISTICALLY DETERMINED MONISM.

The ancient Indian State was an aggregate of several societies, embodying different principles of association loosely knit together by the military principle and the principle of Dharma. There were Guilds and Corporations and these were primary groups, primary in the sense that they were fundamental in forming the social nature and ideals of the individual, in giving him notions of elementary justice and social ideals and obligations and laying the basis for all later expansion of social contacts and responsibilities. The Guild was a society to the extent it embraced the whole range of human relationships. It was a community in the sense that 'manners, traditions and modes of speech, the signs and consequences of an effective common life were realised in it'. It was also an association organised for the pursuit of some common interest or interests. Viscount Bryce says: "In primitive societies the forces other than fear have been extremely powerful; the reverence for ancient lineage, the instinctive deference to any person of marked gifts with a disposition to deem these gifts supernatural, and the associating tendency which unites the members of a group or tribe so closely together that the practice of joint action supersedes individual choice. The Guild was a determinate social unity built upon common purposes. The

Guild organisation was built on sound qualities of human nature. It assumed that normal life is rest not motion, quiet not tumult, acceptance of what arrives at one's door rather than the seeking of what is not there, and a dislike to govern or being governed by others. The normal man by instinct is a craftsman, who likes his work and to whom the deep traditions of the world teach what is worth doing and what is not worth it. There is an instinctive delicacy in the common mind which holds it back from the wish to coerce one's neighbours whether it be for good or for evil. Furthermore, it is an inevitable quality of human nature that it cannot undergo sudden changes. A system which demands many sudden changes is ruled out, not necessarily because it is illogical in itself, but simply because man is not capable of violent breaks in his traditions. The system accordingly, was concerned with root principles of human existence; viz., to look upon the normal man as a producer in particular, and citizen in general, to make him the centre of society and to devise a social machinery which would be good only if it suited the ultimate purposes of life.

The Guild was the organization on the basis of function or trade, and it was considered that all other social bonds were most clearly subordinate to the vastly superior organization of mankind by profession and trade. The system implied that function, was the central fact in the life of the citizen, and that his relations with his fellowmen should be largely determined by it. It organized

the people in the order of trades, whereby the work of the community could be done by those who best knew how to do it. Therefore, when once the Guild was constituted, its affairs had to be controlled in the main by the Guild members. Deep down the Guild idea was the conviction that there is something inherently vicious in all compulsory government, and that self-control is the key of many of the problems of the community. It was not to be the function of government to interfere as a legislator in men's private affairs which they felt they were quite capable of managing themselves. The system was a reaction against any tendency for centralization either of the political or economic organization, and was to represent the moral force which had banished the crudity of physical force from civilisation, and the persistent continuity of the human tradition of democratic organization as distinguished from central government. The acceptance of central control was an act of voluntary submission, and thus the difference between government by coercion and government by voluntary agreement was made clear.

Sreni, Kula, Puga, Gana and *Samgha* are some of the terms employed by Kautilya to indicate the Guilds representing the different aspects of Hindu social life. A number of corporations for definite economic purposes had arisen, with the advance in specialization of crafts and with the manifestation of the associative spirit in territorial and communal groups. The differentiation of occupations brought

about by specialization of crafts and the consequent complex developments in society made it difficult for political writers of the time to determine the exact scope and meaning of the various terms, that were traditionally employed to indicate popular local associations. Kautilya uses the term *Kula* in the usual sense of family, and enjoins the soothsayers and court bards to describe heaven as the goal of the brave and hell of the timid, and to extol caste, corporations, family, deeds and character of the King's men (*Jati-samgha-kula-karma-vrttastavam*). He thereby, indicates that the Guild like the family and the caste was the primordial unit of social organization.¹ Again, in pointing out the importance of sovereignty, Kautilya interprets *Kula* as a council of regency or an oligarchy of princes whose rule was to be preferred to that of an incompetent and only son of the ruler.² While *Gana* is interpreted by Kulluka as a fraternity of Brahmanas inhabiting a monastery, as a fellowship by Narada, as a political self-governing corporation by Vyasa. Kautilya understands the term *Gana* to be a composite confederation of all other associations.³ *Samgha* and *Gana* are used in the sense of an autonomous kingless clan or as a political corporation.⁴ *Puga* is an association of various castes who having no

1. Arthasastra: R. Shama Sastry, 2nd Edn. 1923 Book X. Ch. 3. p. 427. Ed with Com. T. Ganapati Sastri, in 3 vols. Vol. III. pp. 117, 132. Unless otherwise specified all references are to the ARTHASASTRA, and by Book and Chapter.

2. Book 1. Ch. 17.

'Kulasya va bhavedrajyam kulasamgho hi durjayah' (Kautilya) Kulasya bahuputrasamghasya bhavet; Kulatmako rajyaneta Samghah. Ganapati Sastri, Commentary, Vol. 1. p. 89

3. 11. 6. 'Karasilpiganah'

4. XI. 2.

occupation unite in the pursuit of wealth and pleasure as their main aim. It is a confused medley of individuals, or an occupationless gathering.¹ Assemblies possessed of military force and function are referred to by Kautilya as *Ayudhajivisamghah*² and the leader of the assembly as *Ganamukhya*. The term *Sreni* is applied to corporations that subsist by agriculture, trade and military service such as Kambhojas, Saurashtras and Ksatriyas.³ *Sreni* is a corporate body of troops as distinguished from *Maula* and *Bhrtiya* (hired troops).⁴ *Sreni* was a source of recruitment for the army, and the army thus formed was called *Srenibalam* and its commander *Srenimukhya*.⁵ The enlistment of corporations of soldiers was to take place when the enemy was desirous of carrying on a treacherous fight with his own army recruited from the *Sreni* of his own territory.⁶ Confronted with the question: Which is better—the land with scattered people or with corporations of people?—Kautilya says the former is better inasmuch as it can be kept under control, and is not susceptible to the

1. 1. 12. Vol. 1. p. 63. (C. S.)

2. "Nanajatiya..... arthakamapradhanah samghah pugah
Karmakaravrndesu nanajatiyajanasamghesu - pugah"

3. Vol. 1. p. 22 (G. S.) XI. 1.

4. "Sastropajivinam rajavidheyana samuhah - Samghah"

5. XI. 1.

6. II. 33.

7. IX 2. VIII. 4.

8. 'SRENI Ayudhiya-karsakanamanyonyasamgatanam

Samgah.'— Vol. III. p. 27 (G. S.)

9. 'SRENIBALAM Janapadayudhiyaganarupam balam.

Vol. III. p. 51.

10. IX. 2.

intrigues of enemies, while the latter is intolerant of calamities and susceptible to anger and other passions.¹ Kautilya believed in the strength of personality and considered that the troubles of a corporation could easily be put down by arresting its leader (*Srenimukhya*). But the leader would become invincible if he was backed up by the *Sreni*. (*Sreni-Mukhyanga-Bhuta Purusa*)² *Sreni* was known for military strength and Kautilya cites the opinion of the previous Acaryas, that on account of its numerical strength (*Bahulyat*), *Sreni* is more difficult to be subdued than individual recalcitrant chiefs.³ It is not clear whether this military strength belonged to independent republican communities or local assemblies whose main function was to protect themselves and to secure their own safety against common danger. Kautilya's use of *Sreni* is not merely confined to corporations of soldiers. While discussing the planning of a town he mentions that the *Sreni* of artisans manufacturing worsted threads, cotton threads, bamboo mats, skins, armours, weapons and gloves shall have their dwellings to the west of the town. From this it is clear that *Sreni* is also used in the case of corporations of artisans. To Manu, *Sreni* is an association of traders or artisans, money-lenders, and men proficient in the four sciences of learning.⁴ Narada and Brhaspati speak of these Guilds as

1. VII. 11. Vol. II. p. 309 (G. S.)

2. VIII. 4. Vol. III. p. 27 (G. S.)

3. VIII. 4.

4. Manu, VIII, 41. Medatithi's Commentary.

having an assembly, a president and important rules and regulations for apprenticeship. ¹

The law books mention various types of Guilds showing how the principle of co-operation had an extensive application in the economic life of ancient India. There were guilds of traders, agriculturists, artisans, and even of priests, soldiers, dancers, and musicians; and there is evidence of co-operation in all spheres of life, economic, military, artistic and religious. ² Brhaspati speaks of guilds of painters, dancers, religious orders, dyers, and even of robbers. ³ Gautama speaks broadly of guilds of cultivators, herdsmen, traders, money-lenders and artisans having liberty to lay down their own laws to be respected by the king ⁴ and prescribes the legal procedure that was to be observed by the Guild. Nobility, practical ability, diligence and industry were some of the general qualifications required for membership. The work of the village, whether it was the renovating of a tank, the construction of a reservoir or the laying of a road, had to be done collectively by the people who were all to be working partners in the enterprise, and whosoever stayed away from any kind of co-operative construction, for example, a bridge (*Sambhuya Setubandhat*), had to contribute a share to the general expenditure of the project. The contribu-

1. Narada, X. 3. Brhaspati, XVII. 11-19.

2. 11. 4. p. 52. Vol. I. p. 129 (G. S.)

"Vastu ... Srenipravahanikanikaya avaseyuh"

Sreni - rajaka-tantuvaya etc.

3. Brhaspati, I 26.

4. Gautama, XI. 2. 20, 22.

tion to the common stock was in cash or kind, according to the nature of the Guild.¹ The government was to respect the necessary rules laid down by the Guild for their collective welfare; and all political writers enjoin that the king should maintain the customs and the laws of the castes, of districts, of Guilds and families, and establish as law, the practice of the virtuous, if that was not inconsistent with the customs of the country, families and castes.² According to Kautilya, the Superintendent of Accounts had to enter into his book, the history of customs, profession and transactions of countries, villages, families and corporations.³ Kautilya says: "No company other than the one of local birth *Sajatadanyassamghah* and no Guilds of any kind other than local co-operative guilds *Samutthayakadanyassamayanubandhah* shall find entrance into the villages of the kingdom."⁴

This reference to autonomy of the castes and guilds as it existed in the past has led many writers on Indian polity to attribute an independent political status to local groups and associations and to talk of Hindu Society as essentially pluralistic.⁵ A certain section maintains that groups and Guilds in ancient India were independent corporate

1. II. 7.

2. Vasistha, XIX, 7, Manu, VIII, 41, 49.

3. II. 7.

4. II. 1. Vol. 1. P. 114 (G. S.)

Samutthayakah; Sambhuya setubandhadirajaprajanu-kalakarmakarinah tesam sambandhi samutthayakah.

5. Radhakumud Mukerji: *Local Self-Government in Ancient India*, p. 124.

personalities having their own laws, rights and privileges with a closer community of interests and deeper loyalty among their members than what is generally found in a state; that sovereign power was not really omnipotent and centralised; but divided and distributed over a number of associations and groups which were more competent to decide matters than any state. Ancient India had something of a federal society composed of different social groups and economic organizations exercising a considerable measure of control over the members outside. The *Samayasasana* applied even to members who temporarily lived outside their state.

Kautilya does not imply in his *Artha Sastra* that groups and associations should be independent or co-ordinate with the State. He does not think of the State, as the pluralists suggest, as an 'Association of Associations' called upon to adjust and reconcile and synthesise conflicting points of view. The State is not one of the many groups ceaselessly striving for progressive expansion and co-operating with social and economic groups in the fulfilment of a common destiny. Neither group life nor statehood is a limitation on the sphere of jurisdiction of either, and the nature of relationship between groups and the state is reciprocity. The State and Associations were never apart, and the view of Dr. Radhakumud Mookerji that a policy of non-interference was recognised as the ideal policy of the state, where functions were ordinarily restricted to an irreducible

minimum, as, for example, the protection of life and property and the realisation of revenue, is wholly untenable,¹ for, to the associations, the State was not a mere Policeman but a Doctor and a Social Reformer, playing the role of conscience and providence, touching the rectitude of each man's life, the truth of his dealing with his own conscience, and the whole substance of character and conduct, and righteousness both of act and of mental habit. The groups never distrusted nor regretted state interference and never attempted to delimit the sphere of the state; on the other hand, the groups desired that the authority of the State should be exercised over the whole of the social and economic life of the community.

The sphere of State activity in the time of Kautilya was not restricted merely to the maintenance of the conditions necessary to the existence of society. Besides protective duties, the system of government embraced many duties which may be termed promotive duties. The superintendence of instruction of princes and the noble, together with comprehensive and positive regulations for the advancement of commerce, trade, and agriculture and other aspects of material welfare, as well as the most important interests of culture were duties of equal weight with the protection of persons and property insured by the king's legislation.

1. Radhakumud Mukerji: *Local Self-Government in Ancient India*, p. 3.

Bandoopadhyaya, Kautilya, p. 59.

According to the ancient Aryan, the world is not a fortuitous aggregation of atoms; everything that there is, has been wrought into being by some necessary purpose, viz., the realisation of Dharma and the emancipation of man. Society was looked upon as an eternal organisation founded and held together by Dharma. The maintenance of the social order and the promotion of Dharma were eternally ordained and were imbedded in the constitution of society. The *raison d'être* of the state was Dharma and every person had to strive to fulfil his obligation to maintain the social order. The condition of *Arajata*, Statelessness, induced such a horror in the mind that in order to escape from that condition, the individual bestowed great authority on the king, cultivated the duty of obedience to constituted and lawful authorities and practised Dharma in all spheres of life. Dharma appears with the disappearance of *Matsyanyaya* and is created by *Danda* and it ceases to exist with the extinction of the State. There is no Dharma if there is no State and the State becomes "a moral laboratory of *Danda* through which primitive licence and beastly freedom are restrained" and new avenues for a fuller and higher life are opened. Man has to submit to *Danda*, to sanction, coercion and punishment if he is not to grovel in a state of nature. The chief duty of the king is the preservation of the social order, and law is the command of the king enforced by sanction which had to be obeyed, not because it is just, good or eternal, but because it has been enacted by the State. That

which is determined by command should be obligatory as the word of command and the purpose to which it is directed are eternally efficacious.¹ The king exercises his authority to enforce the social order and customs and traditions regulative of family and Guild life. Kautilya accepts *Dharma* as equivalent to the dictates of a moral sense or the observation of an established usage; and he insists that the exigencies of Rastra demand *Dharma* as being understood as a deliberate order issued by an authority with that of punishment. *Danda* is the principle of omnipotence and is the protector of all beings and of the social order and '*Danda*' as Sarkar says 'in the form of *Rajasasana* is the root of a tree which flowers in *Dharma*.'² The State by its acceptance to maintain its obligations imparts a legal sanction to the customs and traditions of Guilds and corporations and thus invests law with a positive sanction. Law as the authoritative pronouncement of the sovereign is based on the prevailing notions of right and wrong. Whenever a community in its collective capacity undertakes to apply pressure by fixing penalty for violation of social standards, customs cease to be social and become law of the land. Throughout the entire history of the State, laws have developed in this manner from customs. Custom with its slow tread will render obsolete laws that have become anachronistic and will create new principles that will force

1. K. L. Sarkar, Lectures I. Political Institutions. pp. 23-24.

2. Ibid. p. 24.

their recognition upon the king, his ministers and the Courts. Custom represented the conservative element, the king's enactment *Rajasasana*, the radical, and the king's law was directed only in part towards the protection of the existing conditions of life; and its aim in equal measure was the improvement of these conditions. For, social life, like all life is change and development, and law would be neglecting one of its most important functions, if it refused to meet the demands of this ceaseless evolution. Provision, therefore, had to be made for the alteration of existing law to suit new needs. The task of the king, however, was largely limited to the statutory confirmation of principles that common usage had already established rather than invention of laws according to individual caprice or judgment. He could not invent law, but could only write it; and in this matter, his functions were unlimited, and there was no assignable limit so far he aspired to be benevolent and helpful to the people, intellectually, economically and socially. There are many instances in the life of the Guilds and corporations being determined and enforced by an ultimate sovereign authority as the king who represented the authoritative organ with full legal powers, to limit the respective jurisdictions of Guilds, to enforce the laws and punish violations of law and dereliction of duty.

The king, according to Manu, is mentioned as fixing the law which lays upon the subjects and officers, the obligation of obeying whatever

Dharma the king imposed by proclamation.¹ The king's commands were directed to the officers. and such commands were indispensable for the proper carrying out of the administration of the country. The king had the authority to give general commands apart from administrative rules.² While Yajnavalkya gives to king-made laws an authority secondary to '*Nija-dharma*', the law of the Sastra, Kautilya makes an innovation in legal theory when he speaks of law or the royal command as enforced by sanction, and regards the state as the final authority to pronounce what is law and what is not, between individuals, groups and corporations. The sovereign could not only adjudicate in disputes and inflict punishment, but also modify and develop customary law. Kautilya says: "Sacred law, evidence, history and edicts of kings are the four legs of law; of these four in order, the latter is superior to the one previously named. *Dharma* is eternal truth holding its sway over the whole world; *vyavahara* (evidence) is in witnesses; *Caritra*, (history) is to be found in the traditions, (*Samgraha*) of the people; and the command of kings is what is called *Sasana*."³ The numerous royal edicts had the force of law and these laws comprehended a wide range of directives for the regulation of prices, wages and profits and preservation of king's powers and prerogatives.

1. Manu, VII, 13.

2. Yajnavalkya, II, 180.

3. III. 1.

Dharmasca vyavaharasca caritram rajasanam |
Vivadarthas catuspadah pascimah purvabadhakah ||

It is manifest in Kautilya's legal theory that the king could legislate and exercise authority to direct and regulate the life and conduct of Guilds, corporations and other associations. Kautilya says: "Whenever there is disagreement between history and sacred law or between evidence and sacred law, then, the matter shall be settled in accordance with the sacred law. But whenever sacred law (*Sastra*) is in conflict with rational law (*Dharmanyaya*) then reason shall be held authoritative, for there the original text on which the sacred law has been based is not available."¹ Kautilya seems to imply here, that vague customary rules and traditional regulations do not become law, until they receive the imprimature of the sovereign whose business it is to formulate customs and rules and prevailing ideas in a precise, uniform and authoritative manner. The king demanded conformity on the part of the associations to the rules and regulations devised to keep the integrity of the State. There were agricultural Guilds and craft Guilds which were localized in special quarters of the cities, and they were distributed according to a definite plan. Similarly, there was the artificial creation of villages of agriculturists belonging to the Sudra caste, and of Brahman villages with forests for their undisturbed pursuit of learning. Merchant Guilds did not attain the same development as the craft Guilds, as the merchant was a wanderer, while

1. III. 1.

Sastram vipratipadyeta Dharmanyayena kenacit |

Nyayastatra pramanam syat tatra patho hi nasyati ||

the craftsman was a member of an industrial organisation localised in the cities. Still, both were bound by law to observe all the regulations of the state that governed their work and relationships. The employers were required to pay Guilds of workmen (*Samghabhrtah*) wages for work done but not for work that was not done though stipulated before; Guilds of workmen employed by companies as well as those who carried on any co-operative work were required to divide their wages (*vetanam*) among themselves either equally or as agreed upon.¹ Desertion after the work had commenced was punished,² for none could of his own accord leave his company. Kautilya says mercy (*Abhayam*) for neglect of work is to be shown for the first time and promise of proportional share of earnings for quantity of work done, is to be made and implemented. But continued neglect and violation of the law of the company should be punished by expulsion (*Pravasanam*) and glaring offences (*Mahaparadha*) by death. Priestly guilds too, co-operating in performance of sacrifices shall divide their earnings either equally or as agreed upon.”³ There was to be a special department of the central government consisting of ministers and commissioners (*Pradeshtarah*) to protect the interests of artisans (*Karukarakshana*) in relation to their guilds which entrusted them with deposits. The rule was also laid down, that guilds (*Sreni*) might get back

1. II. 1, 4.

2. III. 14.

3. III. 14. p. 186.

their deposits in time of distress. ¹ Guilds of artisans had to fulfil their engagements in accordance with their agreement as to time, place and form of work; action contrary to orders led to forfeiture of wages and imposition of fines by the government. ² The same rules were to apply to guilds of weavers, workmen, scavengers, musicians and medical practitioners and merchants; for the integrity and solidarity of the state depended on the maintenance of compacts or fundamental agreements formed among themselves and on the meting out of exemplary punishment for violation of compacts which were always regarded as sacred and inviolable. Manu prescribes exile as punishment for violation of sworn agreement, while Brhaspati inflicts the highest amercement or fine on those guilds which defrauded the state of its dues. ³ The security of the state demanded strict invigilation on the part of officers over profiteering and the resolutions of guilds of an immoral or absurd character likely to cause disaffection among the people.

Kautilya says that the Superintendent of Commerce shall fix a profit of five per cent over the fixed price of local commodities and ten per cent on foreign produce and that the violation of the rule shall be punished with a heavy fine ⁴. There seems to have been a suitable administrative machinery for the systematic and

1. IV. 1. Manu, IX. 253.

2. IV. 1. pp. 201-207.

3. Brhaspati, XVII. 5, 7. Narada X 5, 6,

4. IV. 1. p. 206.

regular exercise of control over the affairs of the village. There was a regular procedure laid down to carry the king's decrees to the remote villages, and for the supervision by the central government of the proper discharge of the duties by the village as regards the gifts, sales and mortgages of land and other properties.¹ A well organised hierarchy of officers, such as superintendents and accountants (*Gopas*, *Sthanikas* and *Anikastha*), were endowed with lands which they could not alienate; and these supervised the working of the rural administrative machinery under the control of the self-governing bodies of the villages. There was an elaborate land survey, and the taxable capacity of the village was accurately ascertained by the officers of the central Government. Jolly points out that the chief purpose of legal agreements between Guilds and associations and central government, was to bring corporations, particularly the religious ones, under a very great measure of state control and protection.² Life rested on vital modes of association and the group as an intermediate body between the state and the individual was the most characteristic feature of ancient polity. There was the promotion of free, spontaneous life of the various social groups that constituted the State which was supreme in the sphere of law. The king by his sovereign prerogative of choice gave validity and confirmation to all existing codes, usages and interests. Kautilya says "the king who administers

1. IV. 2.

2. Jolly, *Hindu Law and Custom*, p. 294.

justice in accordance with sacred law (*Dharma*), evidence (*Vyavahara*), History (*Samstha*), enacted law, (*Rajasasana*) will be able to conquer the whole world bound by the four quarters" (*Caturantam Mahim*).¹ It is manifest by this statement that Kautilya did not mean that the king should remain a mere external mechanism, but should actively enter into a living and organic relationship with *Samghas*, *Srenis* and other corporations and associations, for it was power and power (*Danda*) alone which really when exercised by the king with impartiality and in proportion to guilt would sustain both this world and the next.

In the light of this principle of Kautilya, it is difficult to accept the statement of Beni Prasad that the monistic theory of sovereignty as applied to the State or Government fails completely and that only a pluralistic theory can grasp the Indian phenomenon.² The true nature and significance of the Hindu state can be explained more satisfactorily by the monistic approach to the problem than by a pluralistic approach, for Indian theory favours neither anarchy nor the unqualified pluralism of discrete and isolated groups. as it regards the state as the principle of integration and synthesis. The concept of the Hindu state is qualified monism which recognises the diversity of various groups and describes the state as a single source of authority that is theoretically comprehensive and unlimited in its exercise of power.

1. III. 1,

2. Beni Prasad, The theory of government in Ancient India, p. 9.

This characterisation is true of all states of classical antiquity. In tracing the evolution of organized society, Ward following, Gum Plowicz and Patzen notice the steps in their natural order-subjugation of one race by another; origin of caste; gradual mitigation of the condition, leaving a state of great individual, social and political inequality; substitution for purely military subjection of a form of law, and origin of the idea of legal right; origin of the state under which all classes have both rights and duties; cementing of the mass of heterogeneous elements into a more or less homogeneous people; the formation of a nation. In the dawn of history a few great personalities form the nuclei of political organisation. They are at first priests rather than statesmen. The discipline and education of the priestly class lead to the consciousness of the people on to the limitations of the privileged class and to a dispute about its exclusive political powers. The priests divide their powers with the warriors and also support the rule of warriors by the power of religion. Despotism results as well as the spread of the consciousness of the state of the masses. Despotism of the Priest, of the officials, and antagonism to the king reveal an all-round battle between all the existing directive forces of human society. In this terrible antagonism and resulting confusion, there is the awakening of the impulse to participate in the work of integration of unity. Animated by the sense of human interests and by rationality, the groups and masses gather about their king as the best existing nucleus of

their power and give him strength to overcome both defiant priesthood and rebellious officials. They establish the objective unity of the state; and bring the absolute sovereignty to objective realisation. By subjecting all individuals and all associations of individuals to its way, they make the king, the State or the first servant of the state. The duties of the government necessarily widen; and with the growth of personal property, there arises the necessity for increased duties of protection and regulation. Social interests become greater and by necessity the governing powers more elaborately organised and endowed with more extensive jurisdiction. With the increasing elaboration of structure, comes an increasing definiteness of the powers of public authority, which is more and more regulated by customs that have crystallised into fixed rules which collectively represent the jural idea of society at its then stage of development.

Force thus has been the cardinal factor of integration in all Western and Eastern societies. Though there is emphasis in Hindu society on *Danda*, Hindu thinkers have gone further than western thinkers by linking the concept 'force' to that of *Dharma* and by declaring that divorced from that universal and divine scheme, *Danda* has neither meaning nor purpose. In the Indian conception of polity, there is no room for the possibility of a tyranny of force compelling unquestioned obedience to the State. Responsibility for order and security rested both on king and society, because

Dharma fostered the ideal of plural allegiances and duties to one's order, status, group, personality and the state; and the imperatives of society were always open to question if they went against the canons of *Dharma*. The Hindu social ideal was founded on a functional division which protected industry and trade from the distractions of administration. It was a comprehensive social plan which united regulation and freedom, functional division and group autonomy, loyalty to the State and to social groups with loyalty to *Dharma* and eternal norms of conduct. The state was the sole guarantee of the moral order with its sphere co-extensive with the whole of society consisting of associations authorised to follow their *svadharma* unhampered and uninterfered with, so long they did not make an invasion of the *Dharma* of other individuals and groups. Kingship represented the principle of unity, transcending multiplicity and was the operative criticism of all the institutions that constituted Hindu society. The king respected the laws of the associations; he had also to see that the members thereof observed their own laws, violations of which he was bound to punish; he had to gather up and synthesize every interest within himself. The king was the embodiment of the principle of *Dharma* of the community, of social solidarity, and of the principle of unity. From the plenitude of his authority power flowed to the various groups and associations within the state, and therefore, he was the chief and inevitable channel of expression of the unitary social order that was *Rashtra*.

A study of Kautilya's *Arthasastra* thus impresses on one the inescapable conclusion that Hindu polity was neither pluralistic nor monistic, but pluralistically determined monism.

CHAPTER III

FUNDAMENTAL AIMS

Dandaniti according to Kautilya concerned itself with four things: Acquisition of what has not been acquired, *Alabda Labharthah*, preservation of what has been acquired, *Labdha Parirakshana*, augmentation of what has been so preserved *Rakshita Vivardhani*; distribution among the deserved what has been so augmented, *Vridhasya Tirtheshu Prati padani*. *Dandaniti* was to concern itself with that *Artha* which is the second constituent of *Trivarga*: *Dharma*, *Artha* and *Kama*, and employed for the attainment of *sampat* by people of all classes through which there was to be the fulfilment of *Dharma*. The two constituents of *Dandaniti* and their realisation, was familiar knowledge before the time of Kautilya, and the importance of *Rakshita-vivardhini* and *vridhasya Tirtheshu pratipadani* as constituents of vital politics were an unknown phenomenon which Kautilya discovered and investigated their possibilities in his *Artha Sastra* ¹. According to Kautilya '*Rakshita Vivardhini*' is exploitation of natural resources and the development of the national income of the Country.

A brief note about Kautilya's conception of the state is necessary for an elucidation of this point. Kautilya speaks of seven elements of sovereignty which is the primary substance of the state. *Rajya* is not a kingdom, because kingdom means

1. Dr. Bhandarkar: Some aspects of Ancient Hindu Polity, p. 17

the dominion of a king and separateness of the king from the dominion is unthinkable. *Swami, Amatya, Janapada, Durga, Kosa, Bala* and *Mitra* are integral parts of the body politic which lose their significance if treated in isolation from each other. They are the organic parts of the structure of the state and therefore inalienable. Kautilya does not explain the origin of the State. ¹ Probably because like Aristotle, he takes the State to be a natural institution and that it had existed from the very dawn of human history existing in itself and as determined by the very nature of things. But the term Natural ² does not mean that the State is evolved or of natural growth, but is a spontaneous emanation of the king who is the cause of the prosperity of the world. ³

Kautilya repudiates the theological background of the origin of kingship and discovers, though he does not enunciate the doctrine of *Purushakara*, that the future of society is not in the lap of the Gods, but is amenable to human control, and that the king by *Udyama* could control human destiny and turn out to be the maker of the Age. Kautilya was not a believer in fate. ⁴ *Nakshatramati prchan-tam Balamarthotivartate Arthohyarthasya Nakshatram kim karishyanti Tarakah.* ⁵ Though theological hues appear, they do not overwhelm the positive

1. Calcutta Review, November 1925. p: 289

2. Artha Sastra, Book I, Ch. 4.

3. Artha Sastra, Chapter 1. 4.

4. Rhys Davids: Buddhist India, 206.

5. Artha Sastra: Book IX Ch. 4; VI. 1.

and secular background of Kautilyan politics. It is significant that Aristotle too, conceives of politics as an Architectonic science, for it was difficult for him to completely separate the sphere of politics and ethics in all social sciences, as standards, and *norms* were bound to come in secular life, not as the antithesis of the religious, but as an admixture of socio-ethical and religious ideas. Kautilya like Aristotle, emphasised the positive aspect of politics and repudiated any suggestion of preordination, and nourished his faith in reason and experience.

Man's work is the cause of his good or bad luck, and accordingly, Kautilya lays stress on the human element of the state. The State after all consists of the people and the state without an articulated population is 'as useless as a barren cow.' He regards the state primarily as an association of human groups and created for the preservation of life and property and to secure opportunities for social progress. There is devotion to the material welfare of the country and of its subjects, but there is no sacrifice of the moral and ethical principles vital for the preservation of institutions of property, and social distinctions. To the Greek, the State was a frozen ideal, which assisted not only the solution of man's ethical problems, but also helped him to realize his highest goal. The individual and the state stood in closest relationships to each other, and the family and social and religious life of the Greek, and his self-realisation were determined by the

State. But, the Hindu, thought of the past, present and the future; and his existence in the state was ultimately connected with something transcendental, and therefore his scope of action was unlimited, extending from the solidarity of the narrow social unit of the city-state to humanity.

Kautilya advocated the predominance of reason and ascribed the origin of all things to Reality and not to God, and there is a distinct leaning towards the secular side of life; and his philosophy might be described as pure Rationalistic Legalism; legalism because Kautilya does not allow extraneous considerations to come in, and rationalistic because in the conflict of reason with authoritative canonical laws, the latter are to be superseded. Reason is extolled over sacred authority thus confirming the supremacy of the secular over the theological.

The essentials of a state are territory, population, unity and organisation. Sovereignty is immanent in the unity and organisation of the state. Unity is the constitution of territory and population forming a political unit, and unless the community forms one coherent whole, politically both in its internal and external relations, there can be no state. Organisation presupposes the distinction between the governors and the governed and the establishment of settled relations of control and obedience either given by mutual consent or exacted through compulsion. Territory and population are covered by *Janapada* and unity by *Swami*.

Janapada should be free from miry and rocky and saline tracts; should be hostile to the foe, *Satru-dveshi*, or should be inhabited by hardworking peasants *Karmasila Karshakah* and contain men who are pure hearted and devoted; *Bhakta Suchi Manushya*. Territory galvanised into life is *Janapada*. Kautilya's regard for the forests and hills seems to indicate that he would not unduly interfere with the spontaneous arrangements of the organic or inorganic world; on the other hand he seems to bring about the restoration of harmonies that had been disturbed, and incidentally to illustrate the doctrine that man is in both kind and degree, a power of higher order than any of the other forms of animated life, which were nourished by mother nature. But the main motive to human effort is the desire for subsistence, which if removed by nature would allow people to sink into indolence and sensuality. Kautilya was aware that there was threat to the integrity of the state, in the apathy of the people who would not develop the hidden resources of their nature. Industry should ennoble labour with out which human life would be brutally disregarded. *Janapada* is population, dynamic in its organisation and activising the territory. It denotes individuals who render obedience as distinguished from *Swami*, *Amatya* and the administrators who are invested with authority. The enumeration of *prakrtis* by Kautilya not merely presupposes the distinction between governors and the governed, but also the method by which authority is exercised over

the latter. The enforcement of the state's will is indicated by *Durga*, *Kosa*, *Danda* and *Bala*.

The *Mantriparishad* is next to *Swami* in priority of importance among the elements of sovereignty. The *Swami* must regard that among the three elements of power, *Prabhusakti* reinforced by army and treasury is vastly superior to *Utsahasakti* and that power becomes formidable and even irresistible when it is associated with *Mantrasakti*, for, wise counsels make for a benign monarchy which is rendered popular by an efficient enactment, interpretation and administration of law, and by a well coordinated and hierarchical system of government. Without the council of ministers, the *swami* even though he has made himself strong by an efficient army and treasury becomes weak. The ministers are like the two eyes of the *swami* and every action of the king must have been predetermined by discussion and deliberation among the ministers.¹ The council was known as *parishad* which consisted of two parts, something similar to the *presidium* and *politburo* in the government of Russia. The more numerous part consisted of *Dauvarika*, *Antarvamsika*, *Prasasta*, *Samaharta*, *Pradestarah* and so on. The inner cabinet which had to decide policy and action consisted of the chief minister, *purohit*, the commander-in-chief and the *Yuvaraja*. Discussion, deliberation and issue of command or ordinances were the primary func-

1. Mantrapurvah Sarvarambah |
Amatyamulat sarvarambah ||

tions of the inner body, while the administration and efficient discharge of what was decided as ordinances with promptitude and vigour belonged to the outer cabinet.

Kautilya lays down an exacting standard for ministers. The minister was to be a *Drdachitta*, *Silavan*, *Sampriya*, *Pragna*, *Daksha* and *Vangmi*. While Brhaspati and Sukra assign eight to twenty three members to the cabinet, Kautilya states that the members of the inner cabinet should not exceed four; but he fixes no limits as to the number of the outer body, and this number may vary according to the exigencies of politics : *Yathasamhartyam*. One significant fact about the Council is that it can have representatives also from Guilds and corporations, like the Mayor and *Ganamukhya* and *Sanghadyaksha*. It is a cardinal political axiom that in the determination of policy, study and investigation of complicated issues of state and contingent phenomena and consequence, the opinion of the majority of ministers should prevail and that *Rajasasana* should be merely a crystallisation or confirmation or a written statement of opinion enacted in the *Mantri-parishad*. Kautilya respects not only *Dharma* but also *Vyavahara* and *Acara* as the foundation of law; and he enjoins the *Swami* to appoint an expert *Lekhaka* to write down the different forms of *Sasana* related to different departments of state, as *Agnalekha*, *Upagrahalekha*, *Pariharalekha*, *Prvrittilekha*, *Pratilekha* and *Sarvatragalekha*.

Machiavelli "The Prince"

A comparison is often made between *Swami* in the system of Kautilya with that of *The Prince* in Machiavelli, because of a superficial resemblance that exists as regards the means that both the philosophers recommend to be adopted by the ruler in justification of the overriding supremacy of the state. Accordingly, it is considered appropriate here first to examine the life and times and the political philosophy of Machiavelli, before analysing Kautilyan thought and system which is Aristotlean, rather than Machiavellian. Machiavelli, philosopher and statesman, was born in Florence in 1469 and he died in the same city in 1527. Machiavelli is the author *The Prince* which treats mainly of state-craft and lays down conditions that are necessary for the establishment and operation of the machinery of a strong state. Machiavelli believes in the true relation of history to politics, and in discovering parallels in the history of classical antiquity that bore relation to existing conditions; his interest in *The Prince* was clearly determined by contemporary conditions.

Florence since the invasion of Italy by France in 1494 entered upon a period of tumultuous history. During the next twenty years, the City-state witnessed the proclamation of the Republic under Savonarola, the second invasion of the state by France and the consequent state of lawlessness and insecurity. Machiavelli's chief political experience was in connection with this second invasion, and it

was during the period of exile while on one of the numerous missions to other city-states, as Secretary of the Florentine Council, that he composed his famous treatise, *The Prince*. Machiavelli was in the fullest sense, a child of the times, and he was the first to sense the upheaval of the Renaissance which was turning out to be a new orientation of the occidental mind and a sweeping revolt in intellectual and political life. Mediaeval civilisation was striving for centuries to raise a ladder from the earth to the sky on which mankind could climb to paradise; the interest in scientific knowledge was little, and the people were content with a rudimentary organisation of political power, and showed a marked antipathy to military or political organisation on a large scale.

The Renaissance, on the other hand, organised society, armed the states and destroyed the mystic anarchy and spiritual ascent to Heaven characteristic of the Middle Ages.¹ The geographical explorations of the period, scientific inventions, the spirit of adventure, the discovery of traces of an imposing political and military civilisation on the ruins of Greece and Rome, precipitated the revolt. Freedom was the dominant note of the Age, freedom from the limitations and restraints which had been imposed upon men's thought and action by the scholastic method and dogma, freedom to revel in

1. Erskine Muir : *Machiavelli and His Times*. pp. 7-9.
Cambridge Modern History, Vol. 1.
The Renaissance ; by Burd.

every species of activity which the untrammelled spirit of the ancients had suggested. There was the unification of authority in the Absolute State, and the territorial sovereign took the place of the petty, ineffective, unintegrated authorities which divided jurisdiction under feudalism. It was an Era of the strong man in both secular and ecclesiastical matters and of the establishment of the principle of the indivisibility of sovereign power. The Renaissance State was not a constitutional, much less a democratic state.¹ It was not concerned with the rights of individuals at all. The idea of the time was governmental independence and not group development. Its essential quality was sovereignty which implied a strong central authority, maintaining itself at all costs with a view to strengthen the state against all its neighbours. The secularism of the State, its independence of the church, and the omnicompetence of the central government over old privileges and private jurisdiction were the most outstanding features of this new type of state.²

Machiavelli was not merely conscious of these tendencies, but was also able to foresee some of its consequences. He was the first to know that Italy was in danger, for nowhere was anarchy, demilitarisation, more impressive and more irremediable. Italy was an agglomeration of minor, obscure, isolated, incoherent societies in which there was

1. Dunning: *Political Theories, Ancient and Mediaeval*, p. 291.

2. Ernest Barker: *Church and State—A Study*, Chapter II, p. 42.

neither the habit of obedience to constituted authority nor the reverence for religion, nor sense of common citizenship, nor impulse to co-operate for common interest. There were no real military forces and some states were tending towards consolidation, without legitimacy, without tradition, without leaders and without stable laws. Private depravity and political debasement, selfishness, violence, craft and corruption darkened and defiled the administration of sacred things; but these went with one of the most brilliant intellectual awakenings in the history of the Western world.

Machiavelli felt that Italy must free herself in time from disintegrating tendencies; forces of disruption and disorder were to be controlled; order and unity attained; and people welded together under one supreme power which was to be a refuge against the distraction of conflicting allegiances and against the insecurities and restrictions of a disordered society. Otherwise, the collapse of theocracy would spell death for Italy. Machiavelli denounced Papacy as a great national danger, as the primary cause of Italy's political and military weakness. He attacked Christianity as a religion of slaves and warned that Italy which dominated Europe intellectually should now arm in order to defend herself.

Machiavelli pleaded for the creation of one powerful national state in Italy, founded on wise and just laws and capable of defending herself with a well organised national militia. He stood

on the threshold of the Modern world, for he foresaw the collapsing of the Empire and the Papacy and discerned that something new like a national state must take their place.¹ The only remedy for political decay was the foundation of the State by force and to make it secure by good government.

Machiavelli had a pessimistic view of the world. According to Machiavelli, the world neither grows better nor worse, it is always the same. All the things that have been, may be again. The good and evil are even identical. Men are looked upon as purely selfish and are actuated always by impulses in which social virtues have no part. Men are ungrateful, deceitful, fickle, cowardly and avaricious, made good only by necessity, and consequently, a monarch should inspire fear rather than love, for fear holds men indefinitely, controls the simple-minded, and deceives men who judge usually by appearances. Machiavelli is in the fullest sense a student of practical politics and he seeks to determine the workings of a real and not of an ideal political life. Though there is not the same insistence on the baseness and the fickleness of mankind in his other Writings, Machiavelli suggests that the character of the state will depend on the number of individuals in it who wish for good or bad. The good will prevail in the state and through the state, because man as an individual is selfish,

1. Hearnshaw: *Political Theories of the Renaissance and The Reformation*, Ch. 1. p. 8.

and as a member of the state he is unselfish. He says "it may be said of men in general that they are ungrateful, voluble dissemblers, anxious to avoid danger and covetous of gain; men forget more easily the death of their father than the loss of their patrimony." Machiavelli states that it would lead men to ruin by conforming to a perfect standard of goodness in a society where bad men usually predominate; and he considers like Hobbes that the only escape from such a society is to found a strong state whose function is to restrain mankind from evil influences and raise men from that level.¹ As the State will raise man from his conception of an individual good to the higher one of a common good, the state shall be justified in removing dangerous persons by any means which it chooses to employ. Machiavelli objected to half measures, because he believed them to be ineffectual, and he invested the state with absolute authority because a calculating self-interest serves for a practical standard of conduct, as men have endless desires whose satisfaction constitutes the main-spring of all human action.²

Machiavelli consciously maintains the separation of politics from ethics and religion, probably because it corresponds more closely to the facts of human existence. Though he does not deny the excellence of the moral virtues, he does not consider

1. John Morley: *Miscellanies*. P. 22.

Foreign Affairs, 1937, p. 571;

Villari: *Machiavelli*, p. 70.

2. Machiavelli's *Discourses*, III, 30 (Trans.) Thomson.

them as indispensable conditions of political existence, and on the other hand, he systematically seeks to isolate the phenomena of politics from moral life and to study them wholly without reference to facts of moral existence. He gives to politics an assured and scientific basis and treats them as having a proper and distinct value of their own entirely apart from their moral value. Success is the supreme law of politics and expediency is justified in place of the moral law. Governance is a problem of strength and skill and not of ethics and law, and it is to be judged not by intentions, but by the fruits of its policy. Machiavelli's mind is not befogged by ethical or religious discourse. He purports to teach only political technique and methods that would bring success. Like Kautilya, he is the first European Philosopher to make politics the subject of utilitarian inquiry and business-like discussion. The striving for power and possession is a primordial instinct as strong in the individual as in the community. But man also has to reckon with morality and law. Between Kratos and Ethos, between the craving for power and the intruding sense of moral responsibility, between the instinctive and the spiritual, there is a middle zone called *Raison D' Etat* or reasons of state. Machiavelli says in *The Prince* "The experience of our own time has shown that those princes have achieved great things who made small account of good faith and who undertook by cunning to circumvent the intelligence of others, and that in the end they got the better of those whose actions were dictated by loyalty and good

faith. You must know therefore, that there are two ways of carrying on a contest, the one by law, the other by force. The first is reached by men, the other by animals; and as the first is inefficient it becomes necessary to resort to the second. A Prince should know how to employ the nature of man and that of the beast as well A Prince should be a fox to know the traps and snares; and a lion to be able to frighten the wolves; for those who simply hold to the nature of the lion do not understand their business."

A sagacious prince then, cannot and should not fulfil his pledges "when their observance is contrary to his interest and when causes that induced him to pledge his faith, no longer exist." This is to give sanction to craft and duplicity and to the prevalence of expediency over truth, whenever it is a question of aggrandising the state or preserving it. Machiavelli does not recognise any moral law, and sanctifies the duties of a statesman engaged in the development of the good of the state, though his acts are morally reprehensible.

The final satisfaction for a man in a state may be security of person or private property. Machiavelli offers Materialistic Individualism as an explanation of the love of independence and of self-government. He had faith in a free Republic as the highest type of government, because it gives a chance of material gain to a majority of people; and independence is desired, because wealth multiplies most in states that are not subject to

others. According to Machiavelli, it is not the intellectual and moral uplifting of the country that smoothens the way to self-realisation but material prosperity that is the conscious basis of political life.¹ Machiavelli wanted to see man's lot made easier and better and the only instrument or force that could ameliorate the lot of humanity was the strong State. Consequently, he was for the subordination of the individual to the state and not for a balance between the interests of the individual and the interests of the community. He believed in the overriding of egoism by the state. Erskine Muir says 'Machiavelli never justified private advantage; he aimed at the common good and the facts of his career prove the truth of this'. The State rises above individual selfishness. Representing mankind at its best, it should not retain its position by force and should not let its component parts to be coerced. Passion and Reason are limited in his State to attain its two ends, Power and Justice. The problem of Machiavelli was the reconciliation of this dualism of power and justice which always clash at any moment but whose union would be perfection long dreamt of.

The Prince In Machiavelli's System.

So general was the weakness and disintegration of states in Machiavelli's time that he pleads for the achievement of unity and strength at whatever cost to the individual. Whether monarchies or republics, Machiavelli considered that the secret

1. Macaulay: *Essays*, Machiavelli, Vol. I. pp. 267-320.

of the ruin and distraction of the state was weakness of will, want of fortitude, force and resolution; and therefore, clear intelligence, backed by unsparing energy, remorseless vigour, the brain to plan and the hand to strike, must constitute the salvation of states. Calculation, courage, fit means for resolute ends, human force,—only these can rebuild a world in ruins. Machiavelli was a hero worshipper and could not avoid a sense of pleasure in any manifestation of ability to reach a desired end with clear-cut and indisputable success.

A strong ruler might override faction and in his urge to power might by force create a strong state. He points out in the last chapter of *The Prince* that there was still a possibility in his time for the formation of a new strong state. 'Our country, left almost without life, still waits for one to heal her bruises, to put an end to devastation and plunder.' He draws in *The Prince* the quality of the man required to save Italy from impending disaster. The ruler's business is to save the state. He cannot practise all virtues. The man of action is essentially conscienceless.¹ Machiavelli takes his stand on reality and does not appeal to ethics or philosophy. He praises not the saint, but the patriot, and the laws of the patriot are logical laws and not moral laws; the end being accepted, it must be realised whatever the means. The voice of history has sounded across the centuries that the lives of men centre round their country and community, and the moral force doing away with

1. Discourse, I. 36.

individual selfishness will be the nation. "Praised are those who loved their country rather than the safety of their souls." The Prince should be on his guard against all vices ; he should scrupulously abstain from every vice that might endanger his government. Of the two ways of carrying on the fight, one by law and the other by force, he may have to resort to the second, if the first is not enough. Machiavelli says "We should wish to be both feared and loved, but since love and fear can hardly exist together, if we must choose between them, it is far safer to be feared than loved."¹

It is well for the Prince "to appear merciful, faithful and religious," and Machiavelli in one of his Discourses says that "tenderness and humanity have sometimes a much greater effect upon the minds of men than any sort of violence that can be used and whole provinces have often been subdued by one act of compassion or generosity." But if it suits his purpose, the ruler has to go to work against faith, against charity, against humanity and against religion ; reasons of state must override the moral law in special circumstances as when the safety of the country is jeopardised, and then, no regard need be paid to justice or injustice, to pity or severity, to glory or shame.² Everything must be disregarded save that course which will save the state's life and maintain her independence. If there is an exhortation to the ruler to establish

1. Discourse, III. 20.

2. Machiavelli: Discourses on the first Decade of Livy, Discourse, III. 30.

power by force, it is because, Machiavelli is so much animated by feelings of patriotism that he suggests desperate remedies for desperate diseases.

Machiavelli was convinced that the Prince should form the first model; but his rule would be necessarily of short duration if he did not construct the state on the solid foundation of good laws and good arms. "A wise ruler should devise such means that his people may feel the need of the state and they will always be faithful to him; the ruler shall be on a friendly footing with his people, since otherwise he will have no resources in adversity. The best fortress you can have is in being loved by your subjects. If they hate you, no fortress will save you; the ruler must be discreet enough to avoid the infamy of vices that would deprive him of his government."¹ Machiavelli placed trust in the people and like Aristotle, held that the multitude in the long run are the best judges and though they may go wrong about generalities, they are usually right as regards particulars. The people are less ungrateful than a prince. Machiavelli asserts that a hereditary ruler or usurper can have no safety unless he founds himself on popular favour and goodwill. The ruler must be the instrument of his people's welfare, and once the ruler has resorted to order and made his country strong, the personal rule should give place to popular government, for the state in reality always represents the country.

1. Thomson; (Trans.) Discourses, II, 16.

It is to the Free Roman Commonwealth, Machiavelli desires his countrymen to turn, and if he has been stigmatised as the representative of a man without conscience and without shame, it is because he has been popularly supposed to have encouraged a belief in ruthless action, and to have rendered moral life and action wholly subordinate to the exigencies of political existence and welfare. In the third *chapter* of *The Prince* Machiavelli advises a usurper always to exterminate the dynasty he has dispossessed, otherwise he will never be sure of his own. In the seventh *chapter* he apologises for treason and assassination in discussing Caesar Borgia. He sets forth the doctrine of perjury in the eighteenth *chapter*. Machiavelli was probably convinced that it was not necessary to behave with honour and to observe the moral law in dealing with people who have no honour and who are outside the society. Machiavelli was manifestly wrong when he advised new dynasties to destroy their predecessors, when he vindicated Caesar Borgia and when he declared that the prince need not respect a treaty if it did not suit his purposes. The only extenuating circumstance for Machiavelli to make such statements was that he was struggling for daily bread and *The Prince* which contains such references, was written solely to obtain from his master a position which would pay him a few hundred florins: Ferraro says "*The Prince* is the supreme humiliation of a chained Titan, a mendicant prophet. It is the anguish of a frightful mortification.",¹

.1 Foreign Affairs, 1937. p. 536.

But it may be said to the credit of Machiavelli that in a few brutally direct lines he has said what generations of jurists have repeated in involved legal terminology that a state need not observe a treaty when altered circumstances make observance too difficult or too dangerous. It is true that precepts of a most rigid morality cannot be observed in politics. It is no less true that politics is an art in which the sense of unity and proportion are of the greatest importance, and sometimes lies and disloyalty must be employed with great caution and parsimony to achieve the purposes of the state.

Limitations of Machiavellism

Neither in inter-statal relations nor between the classes within the state is Machiavelli actuated by considerations of equity and justice. To him policy is a single thing; means and ends are one transaction; consequently everything policy requires justice sanctions. There are no crimes in politics but only blunders, for the state unlike the individual, a fleeting shadow, lives on after he has vanished, as the standing of the tree after the fall of the leaf. It was likely Machiavelli rejected moral elements of government for a scientific purpose, tried to free politics from slavery to theology and sought to isolate the phenomena of politics and to study them wholly without reference to facts of moral existence.

The Age of Machiavelli was one of religious eclipse attended by failure of the traditional foundations of morality. Accordingly, Machiavelli saw

only cunning, jealousy, perfidy, ingratitude and duplicity and concluded that the history of man is a sanguinary record of strife and bloodshed and not an illuminating story of mutual aid. He saw only one side and the worst side of the extremely complicated nature of human beings, and by concentrating on the practice of governments, paid too little attention to the community which by its noble aims, moulds the government. Machiavelli missed the necessity that the ruler must justify himself after capturing power by his exertions for the highest moral welfare of the human race; man does not lean as Machiavelli thought, nearer to the beasts than to the angels; and consequently, all these centuries have depicted Mephistopheles as perched on Machiavelli's shoulders.¹

To the extent Machiavelli apotheosises certain living forces in the actual world, energy, force, will, violence resisting the control of justice and conscience and humanity and right, he represents one side in the unending struggle between forces of light and darkness. It may mean suicide for a single state to follow the dictates of private morality while its neighbours apply to the maxim of undiluted national egoism. An individual may suffer martyrdom for the sake of his faith, but a state cannot and must not make such sacrifices, for it is the trustee of the generations to come. The action of government is often determined by considerations of a biological rather than a moral

1. Foreign Affairs, April 1937, p. 572.

order; and the supreme obligation of a state to survive, may involve decisions which an individual might feel bound on ethical grounds to reject. Here is a difference between public and private morality which cannot be ignored. Supreme emergencies call for exceptional methods. Cavour while placing Italy on the map of Europe once said, "What rascals we should be if we did for ourselves what we do for our country?"¹

However lofty our ethical ideas, however firm our moral principles, we cannot shirk the rude challenge of *The Prince*. John Morley puts Machiavelli's case in a modern way when he says that Machiavelli supposed that nature does not work by moral rules. War is not conducted by moral rules. The whole universe of sentiment is haunted all day and night long by haggard shapes of hunger, cruelty, force and fear, "Why should the ruler of a state be bound by a moral code from which the soldier is free? Why should he not have the benefit of what has been called the evolutionary beatitude? Blessed are the strong, for they shall prey on the weak."²

The chief weakness of Machiavelli is the striking contradiction between the nobility and the loftiness of his goal which is intense love for his own country and the baseness of the means he recommends to realise it. So tenaciously did he cling to the original depravity of man, that the

1. G. P. Gooch: *Politics and Morals*, p. 18.

2. John Morley: *Romanes Lecture*, 1897, p. 53.

purely human aspect of politics seemed to have escaped his attention; and he failed to realise that habitual liars and breakers of sworn agreements are not trusted and even the most ungrateful persons are sometimes capable of a certain manifestation of altruism and generosity. He fails, again, to distinguish the morally superior persons from the rest and does not contemplate the possibility of profiting from the small portion of goodness and loyalty that can be found even among morally inferior persons. He ignored the ultimate potency of moral forces. Machiavelli forgot one of life's great truths,—the sanctity of the moral law and the disaster that would follow its violation, and proclaimed that moral law is useless, because it is violated. Morality is the nature of things, and the question of right and wrong is applied in every realm of human activity, and in our state of civilisation we have come to feel it a disgrace even to succeed by falsehood.

Machiavellism is a theory of government in which the interests of the ruler are alone regarded; it assumes a separation between statecraft and morality; it presupposes the corruptions, venality and baseness of mankind; it recognises force and fraud among the legitimate means of attaining high political ends and makes success alone the test of conduct. The state is an end in itself and has no higher duty than to maintain itself. It owes no allegiance to any external authority; treaties are a mere voluntary self-limitation and international

law is a mere phrase. The state can only fulfil its function if it is strong, and it need not inquire if its actions are approved or disapproved by its subjects for it is the guardian of the national tradition and a trustee for the interests of unborn generations.

In the light of the foregoing, it is clear that the comparison between Machiavelli and Kautilya is inappropriate though both Kautilya and Machiavelli were the originators of systematic politics and conceived it as a scheme coordinate with other cardinal sciences. While Kautilya regards the private character of the *Prince* as the imperative for virtuous administration, Machiavelli leaves the personal and private character of the *Prince* almost entirely out of sight, and treats him as the personification of the State, wherein the private individual is inevitably merged in the politician. Though political duty and personal honour cannot always coincide, and private virtue and political effectiveness are seldom compatible, Kautilya visualises with Aristotle the possibility of a disciplined social order as a condition precedent for a disciplined individual achievement; as *Brahmacharya* and conquest of the senses.

Machiavelli was the prophet of force, and Kautilya was the prophet of *Udyama* for the establishment of righteousness on earth. Macaulay says of Machiavelli 'We doubt whether it would be possible to find in all the many volumes of his composition, a single expression indicating that

dissimulation and treachery had ever struck him as discreditable' ¹ But the essence of the Indian traditional politics amounted to this; that self government *Swaraj* depends upon self-control *Atma Samyama*; truthfulness of speech, absolute devotion to duty, inner rectitude, piety without superstition and tranquility and self-restraint.

From this it is clear that Machiavelli and Kautilya are two planets in different parts of the firmament with a different gravitational pull. Kautilya in his conception of statehood and Kingship inclined towards Plato and Aristotle who regarded State as a moral institution and attempted at a moralisation of individual ends through the benevolent agency of the state.

1. Macaulay: Essay on Machiavelli.

CHAPTER IV

The Swami in the System of Kautilya

Kautilya too, was impressed with the importance of a strong state, for his period synchronised with, the invasion of India by Alexander and the consequences of such an invasion. The expedition of Alexander had resulted in a vast increase of European knowledge of the East. The commercial relations of India with the West were strengthened and some degree of reciprocal influence was also exercised on each other by Greek and Indian art and literature. H. G. Wells says that three great structural ideas ruled the mind of contemporary mankind: a clear vision of man in relation to the things about him; service of one universal God of Righteousness whose temple is the whole world; the first germination of the idea of a world policy.¹ Before the invasion of Alexander, India looked as if she had been meant by nature to remain aloof from the rest of the world and to develop her civilisation in isolation, untouched by the currents that stirred humanity abroad. The religion of Buddha had come to stay and a theology had grown up about him with all its complications, with the result that the moral teachings of Buddha were almost hid from view and smothered beneath the glittering mass of metaphysical subtleties. Buddhism had gathered corruptions and variations from Brahminism alike, and these had tended to disintegrate Hindu Society producing moral inertness, laxity and antagonism to the deep-seated religious convictions of the people.

1. H. G. Wells; *The Outlines of History*, p. 378.

The invasion of Alexander had also weakened the small states and the free tribes of the Punjab and Sindh which had now rendered themselves to be willing victims of any ambitious power. The fear of another foreign invasion and the conviction that it would be impossible to withstand it without union probably made small principalities willing to accept the protection and supremacy of a strong kingdom; and the ground was prepared for the growth of the first Indian Empire under Chandragupta, under the influence of his able preceptor Kautilya. Chandragupta effected a dynastic revolution, usurped the throne of Magadha and launched on a career of ceaseless conquests. A huge empire sprang into existence unifying the innumerable fragments of a distracted country.

Gigantic world-wide religious movements were initiated, a few years later by Chandragupta's grandson Asoka, and the affairs of secluded India were first brought into contact with those of the outside world. The whole world seemed stirring into new life, and the boundaries of men's horizons seemed immeasurably wider. The new conditions created by a clash of cultures helped to give the impression of an immense step forward in the progress of mankind.

Though history does not repeat itself, yet there do arise from time to time curious parallels between one period and another. There are many points of similarity between the characteristics of

Kautilya's India, the Italy of Machiavelli and our own century. The third century B. C. and the fifteenth century A. D. were periods of immense vitality coupled with complete unrestraint in the social life of the times paralleled only by the frankness of modern times. There is a certain resemblance between lawlessness, violence and callousness to the sanctity of human life and the apathy of the public conscience, and the modern capitalistic civilisation with its great material wealth and luxury with their attendant evils of great lawlessness and license. The two periods, again, were characterised also by the break-down of the long established forms of democracy and the substitution of dictatorship, because the people were unable to bear the strain imposed by constant warfare and showed therefore a disposition to accept a despotism which would give them safety and material prosperity.

According to Kautilya, Kingship and Dharma are closely related and the king is the fountain of justice '*Dharmaprawartaka*.' It is the king's responsibility to maintain *Dharma* and to protect his subjects with justice, for its observance will lead him to Heaven. *Svadharmassvargaya Prajadharmena rakshitah*.

Kautilya is a confirmed believer in the moral order of the Universe, in the supremacy of *Dharma* over *Artha* and in the state being created by divine ordination to preserve *Dharma*,

Kautilya urges the organisation of states on the basis of law, recognising all the while that moralisation of politics is a slow process and is likely to be held up again and again by mutual suspicions of sincerity. Though as a practical statesman, he often justifies the tendency of the rulers to subordinate ethical considerations to the need of the state, there is an unmistakable acknowledgment of the principle of *Varnasrama Dharma* and the manifestation of a desire to apply it in politics. To Kautilya, political life is not independent of moral life, because the latter always conditions the former. The state has a moral purpose to fulfil, and that is the maintenance of the social order, and if separation of politics from ethics is involved in Kautilya's work, it is rather an incident than an essential in his system. It is the primary duty of the *Prince* in Kautilya's system to maintain *Dharma* not only in the higher conception as the disinterested life of active duty, but also in its conventional sense as the duty prescribed to an individual by his station in the social order: "*Dharmaya raja Bhavati na Kamakaranaya tu;*" again he says "*Chaturva rnasramo Loko Rajnah Dandena Palitah-Sva dharmakarmabhiratah Vartate Svesu Vartmasu*" The king while maintaining *Varnasrama Dharma* as well as *Sadharana* and *Asadharana Dharma* is required to checkmate the pursuit of any *Dharma* which is likely to turn out to be inimical to the purposes of state and the performance of kingly duties, and to accept as valid every local usage and custom not inconsistent with king's interests.

Kautilya, too, like other Indian Philosophers, insisted on the importance of recognising *Trivarga*, *Dharma*, *Artha* and *Kama* and has thus deified earthly good as well as spiritual reality. According to the doctrine of *Trivarga*, every man was required to strive to satisfy his spiritual needs by fulfilling his religious and moral duties (*Dharma*), his material needs, by acquiring the necessities of life, property, wealth and power (*Artha*) and his instinctive desires by following the dictates of love (*Kama*). In later times, *Moksa* was added as a fourth and the highest aim of life. Long before the time of Kautilya, the cultural conditions had come to be crystallised in a social organisation with these dominating purposes of life associated with the first three castes respectively. *Varna* was the basis of the social order, each having a social value in relation only to other divisions, with its theocratic doctrine of the sanctity of the Brahmin and its belief that a man's place in life is preordained. The difference between the castes was probably functional rather than racial. The Brahmin had to devote his time and energy for intellectual, religious and philosophical purposes and consequently *Satya*, *Ahimsa*, *Brahmacharya* and *Aparigraha* were prescribed for him as helpful in his line of evolution. The *Rajanya* had to develop power and *Rajadharma* permitted sometimes breaches of *Satya* and *Ahimsa*, on account of social and military duties which the king had to perform in the act of preservation of the country from foreign danger; the *Vaisya* had to seek

success in trade and commerce; and duties were prescribed for each class in such a way as to develop the virtues needed to attain its objective. Kautilya says 'the king shall never allow the people to swerve from their appointed duties, *Dharma*, for whoever upholds his own duty, adheres to the usages of the Aryas, and follows the duties of the castes and orders—*Varnasrama Dharma*—will attain happiness in this world as well as in the next.'¹

In assigning to each individual, a station in the social order with corresponding duties and responsibilities, Kautilya resembles Plato who also in his picture of the Ideal State provides for three classes of people, the statesmen, the warriors and the artisan labourers, with duties peculiar to their station. The first was to make laws and govern the state in accordance with the law; the second was to protect the people from internal revolt and external danger; the third class was to provide for the economic needs of the community. Justice was the principle of harmony permeating the social organisation, with the result, each class attended to its own duties and was forbidden from meddling with the duties of the other two. The essence of social justice was to be found in the view that the individual was no isolated self, but part of an order and that he was intended not to pursue the pleasures of that isolated self but to fill an appointed place in the social order.

1. Kautilya : Arthasastra, Book, VIII, Ch. 2.

According to Kautilya, unlimited freedom may be allowed within the limits and restraints imposed by *Dharma* of the state, and individuals could pursue their avocations boldly and without interference in the attainment of the caste's cherished objects and purposes. The King was to provide the individual with every amenity of life so that he might attain his highest. If facilities were not available, the individual could leave the country and migrate to more congenial tracts¹

The king was to regard himself as an agent of the people and had to abide by law as laid down in the *Sastras* or embodied in the customs of the country which were both a political constitution as well as an ethical law. He was guided by his ministers in the practical work of administration. There was the influence of the learned class who were looked upon by the people as the guardians of society. The king could not base his rule on force alone and tyrants who lost their head and fell into a temper were deposed or exiled by the righteous indignation of their subjects.² With these checks operating on the governmental system it was very difficult for any king to make himself absolute and wield despotic authority. The form of government that Kautilya commended was *Sachivatantra* which was nothing else but a government by the aristocracy of intellect analogous to

1. Kautilya : Arthasastra, Book I, Ch. 13.

2. Do. Do. Book VIII, Ch. 2, Ch. 6.

Plato's conception of government by the philosophers. There is a lofty ideal which the king is exhorted to keep before him,

Prajasukhe sukham rajnah

Prajanam ca hite hitam

Natmapriyam hitam rajnah

Prajanam tu priyam hitam.^x

The prince should seek his happiness in the happiness of his subjects and his welfare in theirs. His good is not what pleases himself but what pleases his subjects. Kautilya strictly holds to the laws of *Svadharmā* and lays great stress on, restraint of the senses, *Indriyajaya* and on the king setting an example to his subjects and having their welfare at heart. "Readiness in action is his religious vow, the satisfactory discharge of his duties is his performance of sacrifice, equal attention to all is his offer of fees and ablution towards consecration."

According to Kautilya, the king is the first citizen of the state; and he shares the enjoyment of the kingdom with his subjects.² The Prince is required to carry on an unceasing fight against the six enemies of a monarch—lust, avarice, pride, anger, drunkenness and insolence, and against the four special temptations—Hunting, Gambling, Drink and Women. The king as the protector of the people may be punished for neglect of popular

1. Kautilya: Arthasastra, Book I, 16.

2. "Tulyavetanō'smi; Bhavadbhih saha Bhojyamidam Rajyam." Arthasastra, X, 3.

welfare. Consequently, it is necessary for the king to lead a strenuous existence.

Kautilya treats of discipline and the education of the prince in the first *Adhikarana* of *Arthashastra*. According to him, ignorance and absence of discipline are the chief causes of all diseases of the body politic. The king therefore, should be well educated and trained to control his senses. He should be instructed in philosophy *Anviksiki*, in Vedic lore *Trayi* in economics *Varta* and in Politics *Dandaniti*. The most important branch of study is politics; and since a knowledge of technical and economic matters is also required for the king, and the monarchical form of government has been invariably the rule, and the principle means of politics is force and punishment, the prince should be well informed about the sciences of *Arthashastra*, *Nitisastra* and *Dandaniti*. Philosophy is the foundation of all sciences, for it sharpens the mind and makes it fit for thinking, speaking and acting correctly and properly in all conditions of life. Philosophy helps the prince to discern according to the *Veda* what is right and wrong, what is useful and what is useless in economics and what are right and false methods in politics. The Prince will know about the duties of the castes and the *Asramas*, through his knowledge of the *Vedas*. He should learn economics from the superintendents of the different departments, and politics from theoretical and practical politicians. The prince should be a man of large aims and should always keep in touch with the

aged and learned men and seek their advice in all matters of difficulty, for his duties are so varied and comprehensive as to include promotion of agriculture, commerce, construction of buildings and roads, maintenance of orphans, old and the infirm and afflicted persons, and provision of food, clothing and residence for the weak, needy and the indigent.

As all education depends for its fulfilment on the control of the senses *Indriyajaya*, it is of the utmost importance that the prince should practise self-control, and conquer the *Arisadvarga*, viz., lust, anger, greed, pride, haughtiness and vain glory. The day is divided into eight *Nalika*s and the prince is enjoined to observe duties allocated to each particular *Nalika*. He is required to enquire about the need of the people in the second *Nalika*; *Dvitiye Paurajanapadanam Karyani Pasyet*; he is to study philosophy, *VEDAS* and other branches of knowledge *Svadyayam ca Kurvita* in the third *Nalika* and so on. According to rules given about the daily duties of the prince, it would appear that there could not be harder and more complicated life than that of a ruler. Because even the best of princes could not hope to attain success alone in the task of protecting the subjects and maintaining *Dharma*, the prince is required to be meticulous in the choice of his friends and servants; and several chapters in the *Arthashastra* are devoted to the choice of Ministers and officials and to the ways and means by which to discern

their true character.¹ It is this responsibility that impels the prince to organise a formidable system of espionage and by means of temptations and the like, test the reliability of officials and servants of the administrative hierarchy. The spy service is carefully organised and the spies communicate with one another and with the head office, by signs and secret writing. Loyal persons are rewarded and disaffected persons and all dangerous elements are got rid of by police regulation and criminal law (*Kantaka Sodhana*).² The Prince is advised to employ all kinds of cunning and abominable methods to get rid of unreliable ministers, traitors and enemies of state who are too powerful to be dealt with openly.

Swami is the sovereign of a territory independent of any wider political unit, which is not a lifeless instrument but a living organism of a higher kind endowed with spirit and body. When Kautilya specifies the essential qualities of the *Swami* he does not imply that he must be a king,³ and these qualities are of an attractive nature *Abhigamika*, those that relate to the understanding, *Prajna*, enthusiasm *Utsaha* and *Atma Sampad* or self-possession. The *Swami* was to be also a *Sakya Samanta* one whose neighbours could easily be controlled, one possessed of an important assembly of ministers *Akshudra-parishatka*.

1. Kautilya's ArthaSastra, 1, 6.

2. Ibid. IV, 13.

3. D. R. Bhandarkar: Some Aspects of Ancient Hindu Polity, p. 66.

The Greek and Indian conceptions of kingship were amazingly similar, for Plato, mentions the employment of four tutors designated 'most wise', 'most just' 'most temperate' and 'most brave' for the education of Persian princes. The first taught love of Zoraster, the second, to be truthful, the fourth to be fearless and the third not to be mastered even by a single pleasure, in order that he may acquire the habit of being a free and real king, one who is first of all the ruler of *whatever are in himself* and not their slave.¹ This is significant, for the secret of Kautilyan conception of government was likewise the mastery of oneself *Atmanaiiva Sahayena* which would lead to the mastery of everything else.

The essence of *Rajadharma* consisted in self-government, "*Swaraj*" depending upon self-control and self conquest *Atma Samyama*. Gandhiji, true to this great tradition of politics, achieved emancipation. Kautilya envisaged a conception of kingship removed from the taint of absolutism of any kind and asserted that 'only a ruler who rules himself can long rule others. Whoever is the sovereign, even one whose dominion extends to the ends of the earth if of perverted disposition and ungoverned senses he must quickly perish '*Viruddhir Vrittir Avasyendriyah*'. It is victory over the powers of perception and action that is eternally efficacious; '*Krtsnam hi Sastram Idam Indriya Jayah*'. Plato likewise spoke of the heroism of a king whose

1. Alcibiades 1. 122.

victory was a victory over pleasures, a symbol of self-conquest and self-knowledge.¹ Asoka stated in one of his Edicts 'The foremost victory, is the victory of *Dharma*, and he enjoined upon his successors to regard as victory, the victory of the *Dharma* which availed for this world and the other.'²

Kautilya and Sukra proceed on the assumption that sovereignty necessarily belongs to Kings. They were aware of other forms of Government as when Kautilya speaks of sovereignty, sometimes as the property of a clan or *Gana* and concedes that the corporation of clans is invincible in its nature, and being free from the calamities of anarchy, can have a permanent existence on earth. Sovereignty is not a right to be claimed but a matter of duty imposed by *Brahma*. Kautilya does not speak of a state in the national sense, for his state is not restricted to one race, language or religion. There is a certain compactness or homogeneity of feeling about the state, and of the social order with its hierarchy of castes and dominated at the top by the sovereign.

Centrifugal forces were in vogue and Kautilya tried to integrate the social forces into a coherent whole under the aegis of a strong centralised monarchy. The state, according to him is a living organism with spirit and body; it is a union of soul and body, of material elements and vital forces; it has in its parts as members, *Srenis* and *Sanghas* which

1. Plato: Laws 841. C.

2. Thirteenth Edict, Line 7.

are animated by special motives and capacities, in order to satisfy in various ways, the varying needs of the whole community. The state is a moral and spiritual organism developing itself from within, outwards; a great body which is capable of taking up into itself the feelings and thoughts of the *Janapada*, of uttering them in laws, and realising them as *Sasana*.

The personality of the state is the *Swami* manifesting a will of his own. He is the embodiment and personification of power conceived in its highest dignity and greatest force; plenitude of public power and supreme public dignity and majesty are *Swami's* characteristics. 'A *Swami*' Kautilya says 'when endowed with rich qualities enriches the *Prakrtis* with his own richness; of whatever character he is, of that character, the *Prakrtis* become, because their progress and decline are dependent upon him.

A *Swami* is indeed their *Kuta-Sthaniya* or immutable spirit. The *prakrtis* grow or decline with him like the sun in the solar system or the soul in the human body; the king is the inner soul *Antar-ratna*, pervading the movable and the immovable universe and the primary elements of creation in the state as the symbol of the universe: *Raja Rajyamiti-Prakrti Samkshepah*.¹ The *prakrtis* in epitome mean that the king is the state not in the sense of 'C' *etat C 'est moi'* because that would evidently imply unlimited and arbitrary power; but as the manifestation of the integrity and welfare of the state.

1. ArthaSastra, Book I, Ch. 17.

Kautilya does not attach much importance to the theory of divine origin. Kingship is a human and not a divine institution.¹ The life of the king is hard and exacting and the detailed time-tables of work ordained for him indicate the strenuousness of his existence in the state. No distinction is made between his private and public duties.² The king is ideal in private life. 'With his organs of sense under control, he shall keep away from hurting women and property of others, avoid not only lustfulness even in dream, but also falsehood, haughtiness and evil proclivities and keep away from unrighteous and uneconomical transactions.'³ But when the good of the state requires it, he must be prepared to practice treachery, deceit and sacrilege if need be, by setting up temples with idols by taking advantage of the credulity of the people, and by replenishing the treasury from exaction from the rich.⁴ The king is always a public person dedicated to the service of the state. '*Rajnohi vratamuttanam Yagnah karyanusasanam|| Dakshina vritti samyam cha Dikshitasyabhisechanam*'⁵ The *swami* is the architect of *Dharma* and is a *Dharma-pravartaka* engaged constantly in the performance of righteousness. *Dharmaya Raja Bhavati Na Kama karanaya tu*. The king is the protector of the social order.

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1. ArthaSastra, Book 1, Ch. 10.
 2. ArthaSastra: Book I Ch. 10.
 3. ArthaSastra, Book I, Ch. 7.
 4. ArthaSastra Book V, Ch. 1, 2.
 5. Arthasastra, Book I, 15.

Chaturvarnamasromo Loke Rajna Dandena Palitah

*Svadharmakarmabhirato vartate sveshu vesmasu*¹ Furthermore, the duties and the functions of the king are the duties and the functions of the state.

The Principle of Omnipotence

The king represents the sum total of the distinctive functions of the eight gods. Of those the attributes of six Gods are important. *Indra* for protection of person, *Aruna* for diffusion of culture, *Sun* for light in religion and destruction of irreligion, *Yama* for punishment and *Varuna* and *Agni* for economic functions of State.

The essential functions of the king are protection and punishment. There are two strands of thought in Hindu belief about the conception of punishment. *Bhishma* of the *Mahabharata*, one of the most important of political thinkers postulates a Golden Age, of pristine purity and bliss; an Age of innocence of man governed by sense of *Dharma* or law of reason. In the *Krtayuga* State, there was only *Dharma* and no *Adharma*, no *Karyakarya*, *Agamyagamya*, *Vachyavachya* and *Bhakshyabhakshya*. In this state, man by his own nature and spontaneity observed *Dharma*. But *Moha*, *Kama*, *Lobha* and *Raga* brought about corruption and degradation of human nature and man departed from God, hated other fellowmen, and fell into confusion and disorder of every kind. The restoration of *Krta Yuga*

1. Artha Sastra Book I, 1

was brought about by *Rajya* and this idea was in keeping with the general Indian philosophic conception of the original purity of self, the self being caught in an interminable *Karmic* Wheel due to an intermixture of *Dosa* and *Adosa*. Purity and impurity and the resurrection of the self and its restoration to its original purity by a process of spiritual discipline was the order.

All Hindu thinkers did not believe in the fundamental goodness of man and never set a high premium on man's natural impulses. Mahabharata itself does not offer a roseate romantic conception of human nature; on the other hand, the non-state was conceived to be a war of all against all, a state of nature in the Hobbsonian sense or *Matsya Nyaya*, in Hindu legal terminology. Such a state arises when there is a conflict between powerful and helpless units, when the helpless people are crushed and obliterated by the powerful. The intelligence of man is eclipsed by *Moha*, is overpowered by cupidity and then is vitiated by *Kama* to possess things not possessed; and ultimately, the mind is overpowered by *Raga* which ignores the distinction between what should be done and what should not be done, and as a consequence there appears sexual licence, libertarianism in speech and diet and indifference to social and political morals. It is, with this negation of morals and manners, the nullification of property and with the antithesis of law and justice, that the non-state is identified.

There is a description of the State of Nature in Kautilya, though reference to *Matsyanyaya* is made in a few *Adhikaranas*. He is one of the thinkers who entertains belief in the instinctive wickedness of human nature and proposes sublimation of human impulses by *Danda* of the king. There is a graphic description of what the Society would appear like, in case of unrighteous conduct on the part of the king. Which enemy is to be marched against? a powerful enemy of wicked character or a powerless enemy of righteous character? The strong enemy of wicked character should be marched against, but when the enemy of virtuous character is attacked, his subjects will help him or die with him.

By insulting the good and commending the wicked; by causing unnatural and unrighteous slaughter of life; by neglecting the observance of proper and righteous custom; by doing unrighteous acts and neglecting righteous ones¹;

Uchitanam charitranam Dharmistanam nivartanaihi Adharmasya prasangena Dharmasyavagrahena ca;

by doing what ought not to be done, and not doing what ought to be done; by not paying what ought to be paid and exacting what ought not to be taken; by not punishing the guilty and severely punishing the less guilty, and by arresting those who are not to be caught hold of and leaving those who are to be arrested; by undertaking risky works and destroying profitable ones; by not protecting the

1. ArthaSastra, Book VI, Ch. 5. 276.

people against thieves and by robbing them of their wealth ; by giving up manly enterprise and condemning good work; *Pataih purusha karanam karmanam guna dushanaih*; by hurting the leaders of the people and despising the worthy *Upaghataih pradhananam manyanam chavamananaih*; by provoking the aged, by crooked conduct and by untruthfulness *virodhana- ischa vrddhanam vaishamyena anrtena ca* ; by not applying remedies against evils and neglecting works on hand, and by carelessness and negligence of himself in maintaining the security of person and property of subjects-the king causes impoverishment greed and disaffection to appear among his subjects. *Rajnah Pramadalasyabhyam Yogakshema vadhenaca Prakritinam kshayo lobho Vairagyan chopajayate*; When a people are impoverished, they become greedy; when they are greedy they become disaffected. *Kshinah prakritayo lobham lubdha yanti-viragatam*.¹ Hence, no king should give room to such causes as would bring about impoverishment, greed or disaffection among his people *Tasmat prakritinam kshaya lobha viraga karanani nothpadayet*.

Kautilya set a high premium on institutions and conventions of society and regarded these to have been designed to educate man out of primitive licence and beastly freedom, to correct infirmities of human character or to restrain and tame the brute in man by opening out avenues for a fuller and higher life. It is only by the institution of *Rajya* with its instrument *Danda* that the impulses

1. Ganapati Sastri : ArthaSastra : Bk. 7 Ch. 5

of man could be restrained and directed to fulfil the common good '*Sarvo danda gito loko Durlabhohi Suchih kvachit|| Dandasya hi bhayat kritsnam Jagat bhogaya kalpate*' According to Kautilya, in the absence of punishment, *Matsyanyaya* operates and leads to the disruption of the world. A state is what it is because it can coerce, restrain or compel; the state vanishes, if control or Danda is removed from social life. Coercion or force is the *sine qua non* of the state. *Baliyan Balam hi grasate Dandadharaabhave*; it is the principle of omnipotence the abstraction of that power whose concrete, embodiment is *Swami (Dandadhara)*. He is absolute with jurisdiction over all, and uncontrolled by any except by self-imposed laws. He is the protector of all beings keeping them to their *svadharma* and making them co-operate in the realisation of happiness. It is by *Danda* that the state can be saved from reversion to the logic of the fish and utter annihilation. As the people can also be induced to be followers of *Dharma* by a judicious administration of *Danda*, it is the foundation of all civic life, the great support of virtue and the motive force in animating mankind towards the fulfilment of righteousness. *Danda* is a potent instrument of danger even to the ruler himself who would be destroyed by maladministration and violation or dereliction of duty. *Danda* brings into existence a well regulated society with its institutions of property and *Bhoga*. Man, therefore cannot do without organisation and he must submit to a state and to its instruments of sanction, coercion and

punishment, in order to realise righteousness. *Dharma* is synonymous with statehood and with the *Dandadhara*, for he is the protector of *Dharma*, law, justice, *varnasramadharma*, order, *svadharma*, and duty. *Dharma* is inconceivable in *Arajaka* state and emanates in *Danda* which in the form of command determines what is eternally efficacious, and therefore is obligatory for every individual to obey. Jaimini says '*Chodana lakshanartho dharmah*' and accordingly, that which is determined by command is *Dharma* which thus becomes identical with *Danda*. In simple term, *Dharma* is *danda*. *Danda* supports the law and constrains man to mind his own duty; it also enforces duties, and *Danda* as duty is the obverse of *Dharma* as law, looking *Dharma* from the angle of *praja* or *praktri*, who are kept, each in his proper sphere by a terrible use of the weapon of sovereignty.¹

Then, justice if violated destroys the state, and if preserved maintains the state and therefore maintenance of justice is the *sine qua non* of the state and kingship; and justice is the discrimination of the good from the bad and is calculated to minister to the virtues of the rulers and the ruled and promote the common good. The sovereign according to *ArthaSastra*, gives widest publicity to his commands *Sasana*, which is justice and is thus identical with

1. *Arthasastra* : Tikshnadandohi Bhutanam udvejanayah
Mridudandah paribhuyate|| Yatartha dandah pujyah||
Suvignata pranitohi dandah prajadharmartha kamaih
yojayate Book V. Ch. 3.
Ganaganath Jha: Indian Thought 1910.
K. L. Sirkar: Lectures I Political Institutions p. 23-24

truth. Law represents universal human conscience and the Act of a law maker is an embodiment of this conscience. Accordingly, the commands of the king are documented in *Sasana Patra* by *Lekhaka* who clearly and in unequivocal language promulgates the king's law.

*Atra Sathye sthito dharmah || vyavaharastu sakshishu
Charitram Sangrahe pumsam, Rajnamagna tu Sasanam*

Kautilya exalts the power of the king above all other sources, unlike the political writers who preceded Kautilya or followed him. There is a categorical assertion about the transcendental character of *Nyaya* and enacted-law, and its being the authentic constitution is implied in the verse '*Sastram vipratipadyeta dharmanyayena kenachit | Nyayastatra pramanam syat tatra patho hi nasyati ||*'¹

This does not repudiate the supremacy of law in all higher departments of knowledge, but only aims at a reconciliation of *varnasrama dharma* with king-made *dharma*. This exaltation of kingly authority by Kautilya was dictated by the general disruptive forces that were disintegrating kingdoms in his time and were an invitation to universal territorial monarchy. For the first time in order to achieve the integration of states and their eventual solidarity against internal and external enemies, Kautilya pleads for the modification of existing *vyavahara* and *Achara* by royal legislation and jurisdiction.

1. ArthaSastra, Book III Ch. I
Dharmascha vyavaharascha charitram rajasasanam
Vivadarthaschatushpadah paschimah purvabadhakah.

The interpretation and the enforcement of the king's law was to be done by *Dharmasthiya* and *Kantaka Sodhana* Courts. There is nothing unusual in the description about civil litigation schematically divided into twenty *Prakaranas* and dealing with rules regarding labourers and co-operative undertakings; rescission or purchase and sale, resumption of gifts, without or with ownership, robbery, defamation and assault, gambling and betting and miscellaneous offences. Royal officers and *Dharmasthas* administered the law according to strict rules of procedure.

But the *Kantaka Sodhana* Courts appear as a phenomenon in the legal history of ancient India. The expression "removal of thorns" confirms the thesis that the *Dandadhara* actuated by the sole desire of preserving the states' integrity becomes relentless in the suppression of any form of wickedness that militates against the welfare of the *Janapada*. The judges of the courts were of majesterial authority disposing of cases without the formalities of the civil procedure code and without the assistance of the jurists.

The organisation of the *Kantaka Sodhana* courts was to meet the demands of a new political emergency as that of the birth of an Empire with its highly complicated economic and social economy and the bureaucratic machinery constantly impinging on the trades and the vocations.

The exigencies of the Empire which Chandragupta had forged demanded a separate system of law which governed the relations of the executive

and the administrative authorities of government. The administration had taken on itself enormous burdens of responsibility and had to protect itself against internal danger from artisans, washermen, musicians, *bhrtakas*, and merchants; against national calamities, against the wicked, living by foul means and employing criminal propensities to destroy the tranquillity of the land. Vast discretionary power was vested in the hands of the administrators and the judges to checkmate forces of disruption and tendencies to destroy the fabric of society which was being convulsed by new conditions created by the Alexandrian invasion. There is a suggestion that this excessive centralisation of Magadhan government with its corollaries of administrative law and administrative Courts, was induced by Hellenistic and Persian influences. 'If one believes in the historical character of the *ArthaSastra* of Kautilya and in the radical centralisation of Indian Government affected by Chandragupta on Hellenistic lines, one may say that Chandragupta and Kautilya did more to Hellenise India than Demetrius and Meander.¹

Kautilya did not invest the subject with any right to depose or kill a tyrant and there is no reference to the theory of rights of the people, but only to coercive control by the king. As the phenomenon of the social order was the resultant of duties and as every man had a group of duties, the rights

1. Annals of the Bhandarkar Oriental Research Institute Vol. XXVIII, p. 95.

of the people were indirectly referred to, by enumeration of the duties of kings. Plato in his Republic assumed three distinct classes with separate duties; and the fulfilment of station, as Bradley suggests, was a good enough practical canon of morality. In the political thought of Greece, the notion of the individual was not prominent, and the notion of rights could hardly have been conceived;¹ while among the Hindus death in the performance of one's duty, or *Dharma* was preferable to a mode of life where one had to perform duties which should be performed by others.

Though Kautilya looks upon monarchy as the best form of government for securing centralized unity, Kautilya states that the king should regard himself as a servant of the people. *Tulya Vetanosmi Bhavadbhi sah Bhoghyamidam Rajyam*.¹ Arbitrary power was not associated with kingship; on the other hand, the king had to control himself *Satru Shad Varga Thyagah*; for passions and malevolent affections when unrestrained would destroy the ruler. He was also required to see things of state through the eyes of the aged ministers about him and to follow the course of conduct approved by them. He was to adopt *Vridhopadesachara* and turn out to be *Vridha-dharshin*.

The king was not to act alone, as the chariot of state could not be run by only one wheel. *Sahaya Sadhyam Rajyathvam Chakramekam na vartate*.²

1. Barker: Greek Political theory, p. 7.

2. Arthasastra, Book I, Ch. 3.

The *Swami* was to be associated with *amatyas* possessed with the qualities described by *Bahudanti-putra*: *Abhijana prajna saucha shauryanuragayutana-matyan kurvita. Sarvamupapannanam iti Kautilyah, Karyasamarthadipurusha samarthyas Kalpyate. Samarthyatascha.*¹

The advice of elders and ministers had to be applied in practice, in Kautilyan times when India was divided into a number of tiny, independent states, at war with each other and incapable of vitality to resist aggression. Accordingly, the king was to develop the qualities of *Purushasamarthyas* and *Karya Samarthyas* along with *Indriyajayah* and a life of righteousness and unselfishness to ensure a good and peaceful and energetic government at home and diplomacy of peace outside the state. The discontent of the subjects was a serious flaw and a calamity to the state, for, the neighbouring princes would always be vigilant and careful to watch and detect whether the people of their neighbouring states were disaffected or not.² Accordingly, the preparedness and unpreparedness and the enthusiasm or disaffection of the people, determined one's foreign policy and the extension of territorial boundaries. Some writers are inclined to believe, thus, that the function of conquest was the most important of kingly functions, and the *ArthaSastra* essentially is a study of monarchy in relation to the expansion of dominion of the monarch; and even the importance

1. ArthaSastra: Book I, Ch. 4.
2. do Book VIII.

of the economic institutions of the *Rashtra* is measured in terms of their contribution to war. The ideal of Kautilya's monarchy is universal sovereignty through conquest.² *Nyayenacha chaturthena chaturantam Mahim Jayet.*

The *Artha Sastra* itself appears as a guide to the would-be conqueror; and nine out of fifteen *Adhikaranas* of the work directly or indirectly deal with the *Chaturanta Raja* and the suzerainty which had to be established over the whole world bound by the four quarters. This conception of universal sovereignty was a familiar category in Hindu politics and Kautilya, indicates in his *Artha Sastra*, the means of its realisation and consolidation as preparatory to universal righteousness.

The *Utsaha* of the Swami is to attain to superiority, preeminence and overlordship, and to acquire an all-embracing authority over all kings by achieving all forms and degrees of sovereignty over space and time and thus establish his over-lordship of the earth up to the seas. The *Chaturanta Raja* of Kautilya does not find a stable equilibrium until he is the sole monarch of all the states. The irresistible logic of dynamic politics forces the king to destroy the unstable political equilibrium attained for transitory periods between independent but unequal states, and thus challenge the homage of humanity.

2. do do. Ch. 14.
do do. III, Ch. 1.

Kautilya, to achieve a universal moral order describes the state as a highly centralising and unifying power and it seemed rational to him that during the process of coordinating the State, those within and without its borders should transfer all power to it and accept the obligation to obey it; for the state represented the universal *Dharma*, which consisted in the liberation of the individual from both his baser, internal instincts and any external factors that might hinder the individual in the exercise of his duty and the urge to perfection. The state was the realised moral life and the state was always to attempt at a new synthesis which would naturally arise out of rivalry of states, till at last a universal synthesis was established abrogating ceaseless struggle, deterioration and immorality. Life had to be lifted up to the vision inherent in the divine ideal, and authority had to ordain the ultimate criterion of the conduct of social life, because those who ruled, had a closer relationship with the divine.

The authority of the *Chaturanta Raja* was employed to transform the state into a wholly spiritual creation. He was to be the supreme embodiment and the crystallisation of Kautilya's philosophy of thought and action.

Much has been said by scholars about Kautilya's interstate diplomacy as devoid of morality and of unprovoked aggression, and the violation of the neutrality of States as having the sanction of political

philosophy. The application of unscrupulous means was recommended in internal affairs of a state only against those persons who were inimical to the sovereign and who were engaged in activities that were likely to subvert the social order.¹ Kautilya denounces the cynical advice of Bharadwaja, a previous political writer who recommends usurpation of the throne by his minister if his king were to die in a foreign land, as opposed both to righteousness and to accepted rule. He deprecates similarly, a king's deviation from the practices sanctioned by tradition in inter-statal relationships. When the advantages to be derived from going to war are of a dubious character, Kautilya enjoins the prince to remain at peace, for war may bring about loss of power; and *Vigraha* being equal, *Sandhi* should be made, because *Vigraha* leads to loss of men and money.² There are references in *Artha Sastra* to weak states being protected instead of being attacked by powerful kings; to the existence of a course of action called *Samsraya* that of taking the help of a powerful king whenever the state was threatened by a powerful enemy.³ It is expressly laid down by Kautilya that writs are the root of *Sandhi* and *Vigraha* between states; and he affirms that peace depending on honesty or oath alone is immutable in this and in the next world. Kautilya condemns a fight with a righteous king because thereby he

1. Arthasastra, V. 2.

2. Ibid. VII, 2

The Calcutta Review, Sept. 1924, p. 13.

3. Arthasastra, VII, 5.

incurs the displeasure of his own people.¹ He enjoins humane treatment of *Dandopanata* by *Dandopanayin* (dominator) and warns him against transgression of his obligations to the submitter. Any breach of the pact may agitate the whole statal circle to actions for the destruction of the dominator and provoke even his own ministers to attempt on his life or deprive him of his kingdom.² Kautilya stands up for right as against might, when he deals in his system about the restoration of peace in a conquered country.³ He recommends humanity, justice, benevolence and regard for the people's religious feelings as essential qualities to be demonstrated in a conquered country. Kautilya says 'A conquered country should be given complete security so that the people may sleep without fear. The king should cover up the faults of the enemy by his own virtues He should undertake measures which contribute to the general welfare and prosperity After prohibiting customs which may appear unrighteous or injurious to the state revenue or to an efficient system of administration, he should establish righteous laws and customs.'⁴

A strong power is enjoined to embark on a career of conquest, subdue states and stand forth supreme. The *Vijigishu* is surrounded by all sorts of relationships ranging from complete indifference

1. Ibid; VIII, 13.

2. Ibid, VIII, 16.

3. The Calcutta Review, Sept. 1924, p. 12;

4. Arthasastra, XIII. 4.

to close alliance or deadly hostility. *Ari* the enemy, *Mitraprakriti* the friend of the *vijigishu*, *Arimitra*, friend of the enemy, *Mitramitra*, friend of the friend of *Vijigishu*, and *Arimitramitra*, friend of the enemy's friend—are the five kings in front of the conqueror; behind the *Vijigishu* are *Parshnigraha*, a rearward enemy, *Akranda*—a rearward friend, *Parshnigraha sara*, friend of the rearward enemy, *Akrandasara* friend of the rearward friend. But, there are intermediary kings, *Madhyama* and *Udasina* or neutral kings. The *Vijigishu* to be the conqueror of the world or *Chaturanta Raja*, should abandon lustfulness, falsehood and keep away from unrighteousness.

The reception of what is condemned is desire; and anger consists in oppressing the good; since both these are productive of many evils, both of them are held to be the worst evils. Hence, he who is possessed of discretion should associate with the aged, and after controlling his passions, abandon both anger and desire which are destructive of the very basis of life.¹ The Raja can realise *Sarvartha Siddhih* only when he practises virtuous life.² As virtue is the basis of wealth and as enjoyment is the end of wealth, success consists in achieving that kind of wealth³ which promotes

1. ArthaSastra: Book VIII, Ch. 3.

Asatam praṇrahaḥ kamah; kopaschavagrahaḥ satam |
vyasanam DOSA bahulyatatyantamubhayam matam||

Tasmat kopancha Kamam cha vyasanrambhamatmavan |
Parithyagen mulaharam vridha sevi jitendriyah||

2. ArthaSastra: Book IX, Ch. 7.

3. ArthaSastra, Book III, Ch. 15.

virtue. *Dharmamulatvat Kamaphalavatcharthasya; Dharmartha kamanubandha ya Arthasya Siddhih, sa Sarvartha Siddhih.* The *vijigishu* with the aid of his own people and party, power of deliberation, the treasury and the army should get rid of the clutches of his enemies and overpower them. The army, *Kosa* and the resources of the *vijigishu* were to be employed only against the wicked and not against the virtuous princes: *Yevam Dushtes-vadharmi keshu cha varteta netareshu*|| Even this conquest is for the dedication of the people, for the four *purusharthas* are unified, contained and realised in the service of the people. The earthly wisdom, unlimited earthly power and glory are the legitimate ambition of kings, but these are the foundations for a dynamic and exalted life of righteousness, which is to be preferred to asectic ideal of utter renunciation and other-worldliness. *Dharma* must have to materialise itself in *Rashtra*; and property, law, justice and duty are to be concretely realised through *Rashtra*. The total population were to be comprehended in the two categories of *Varna* and *Ashrama*, and as soon as *praja* was organised into a state in any part of the world *varnaashrama* would spontaneously emerge into being; then, *Svadharm*a would lead to *varnashrama* *Dharma* indicating coexistent phenomena in the social world; for *Varnashrama* was a political concept and from the aspect of *praja* was identical with *Rashtra*.

The scheme of *varna* did not imply a gradation in rank and privilege; certain immunities arose from

members discharging certain functions and duties, and this scheme of privilege and immunity on one side was balanced by corresponding duty on the other, because economic and social advantages were divorced and did not go together. The plan stressed the vital importance of knowledge and dedicated a small section of the population to these duties and sterilised it economically. Protection was emphasised next to knowledge, and wealth next to protection. Everything was envisaged in the plan so that trade and industry which formed the occupation of the bulk of the population flourished and developed without distraction. The motive of segregation in groups set apart for defence and culture was to prevent renunciation of their duties by men who found the duties irksome; otherwise, society would starve if each order neglected its *svadharma* and encroached on the others. The universality of this scheme made for its being planted and nourished in enemy countries by *vijigishu*. The essence of conquest and *Chaturanta Mahim* was the consolidation of the *Varnaashrama* plan in the conquered world, so that a life of progressive rise in righteousness ultimately fulfilled in self-realisation, could be accomplished.

As a radical moralisation of mankind was impossible, and state would not always be bound by law, the conflict between the ethical and the national world was eternal, and peace and war were merely alternating phases of this ceaseless struggle. Machiavelli regarded that war was a school of

patriotism and a medicine for sick people. And if undertaken for supreme national purposes it was wholesome and elevating; and consequently, in deciding on war, the state had to consider its own interests and nothing else. The pursuit of such a policy might achieve a temporary triumph but it provided no foundation for enduring happiness, prosperity or security of a state. The cult of power only led to the twin evils of the idolatry of the state and the glorification of war. Mankind was far too profoundly concerned in right and wrong, in mercy and cruelty, in justice and oppression, to accept the cult of power or favour a teacher who even for a scientific purpose of his own forgot the awful difference. Complete moralisation of politics was too much to expect, but it was an inescapable fact that brute force would slowly retreat before the conception of the reign of law and the growth of the sentiment of human solidarity. Man could not get away from the idea of right, while it was common place that the self-regarding action of a state would not always pay: and with developing intelligence and consciousness, there would be the growth of the feeling that the best chance of survival lay in an intelligent co-operation for common ends.

Accordingly, Kautilya thought that it was of the highest importance that the methods to be adopted to realise the reign of law based on the organised opinion of mankind agreed with religion and morality; that with the growth of the sense of the

community, preference for the method of the beast rather than that of moralised humanity in statecraft, and diplomacy conducted in interstate matters with an utter disregard of the ordinary standards of morality, would be rejected as inoperative in international relations. Kautilya made this manifest when he ordained that the *vijigishu* should be humane in his treatment of kings given to a life of *Dharma* and righteousness. He sustained the conviction that society rested on moral and spiritual foundations, and was animated by the ideals of righteousness and peace that were preached through the ages. For, the individual was always found to be more naturally disposed towards *Dharma* and beneficent action than toward selfish actions and *Adharma*, and thus Political philosophy and metaphysics were all along regarded as an expression of faith in the ultimate sanity of man and his capacity for spiritual growth. Vijnaneswara who wrote the *Mitaksara* in the twelfth century, nearly fifteen hundred years after Kautilya, reiterated the fundamental relationship between politics and morals in the words '*Dharmasastrantaragatameva Rajanitikaksanam Artha Sastram*' There was to be no divorce between politics and *Dharma* and that *Artha* was always to subserve moral life; and Seers and Prophets through the ages discerned and proclaimed the unity of mankind and deliberately set out to reconcile politics and morals over the whole field, and it was the general acceptance of this doctrine that accounted for the horror of wars in general and an appeal for the unity of all in the common pursuit of *Dharma*,

CHAPTER V

KAUTILYA'S CONCEPTION OF LAW AND ADMINISTRATION

The object of Aristotle was to re-adapt Law to the promotion of virtue and noble living.¹ Reason was the principle which inspired the social organism and this was embodied in Law. Reason made articulate was law. It was free from prejudice and was the public conscience of the community. Aristotle says in his Ethics² Law is reason without desire. Law has on the one hand, a compelling power; and constraint is a voluntary one. It is moral compulsion which freemen can impose upon themselves. It has two voices, a voice of stern compulsion; it is the higher self of the citizen. Therefore, the law-giver is a moral teacher, a preacher of righteousness. His duty is to preserve the acts that ought to be done and also to reveal and inspire in man the true motives of action.

Law was not a code of prohibitions, nor was it limited to the corrective justice of the law Courts. Its range was wider than morality itself, and institutions were the creations of law; traditions and customs rested on its sanction. All ideas of society were moulded by it and law was blended with religion, with morality and public opinion and by its subtle operation subjected the society to its will.

1. Newman: Politics of Aristotle, Vol. I. p. 478

2. Nie X 10.

Law was invested with spiritual efficacy and power. Law was a divine element immanent in human nature. Aristotle notes that the worst fault of untempered democracy was its lawlessness, the reign of arbitrary will and thus entailing a condition of negation of freedom, the dethronement of reason and the predominance of clashing impulses.¹ Plato says in his *Laws* VI, 702 "The service of the Laws is also the service of the Gods, a service in which to obey is nobler than to rule"; and this implied the voluntary subordination of the individual will to the will of the community.

Kautilya too, like Aristotle holds frank companionship with thoughts that had paralysed early Sastrakaras into inactivity. We feel in *Artha Sastra* that we are in an upper and serener air in which man's spiritual and intellectual freedom through a *Dharmic* state is assured. Like the Greeks, the Hindus too had to fight for the Law as for their king, for Law was their supreme master, and they neither praised the life of anarchy nor the life of despotism. Unblest freedom was not the Greek conception of freedom nor that of Kautilya. Kautilya is the interpreter of *Neo Aryanism* against the nihilistic anarchy of Buddhism, as Aristotle was the interpreter of Hellenism as against prevalent barbarism. Kautilya, like Aristotle, in the name of *Dharma* appeals to the sense of honour and of duty and to human dignity, to moral responsibility and to enlightened patriotism. Neither tyranny nor

1. Aristotle's *Politics*, VIII, 9,

Arajaka, but ordered liberty satisfied Kautilya and this implied a delicate adjustment, and of combination of principles apparently opposite, and of harmonising conflicting claims; for the Hindus like the Greeks, possessed a sense of measure of flexibility and a faculty of compromise.

Kautilya knew that the state which revolves within its breast, only social and religious problems was bound to be weak politically. The Aryans in order to make the religious conquest of the world, had not emphasized the importance of social cohesion and co-ordination through political integration. Kautilya realized like Aristotle, that the State integrated under a strong government could be a great civilizer and the disturber and regenerator of slumbering societies, and at the same time, the source of most of the quickening ideas which remake societies and renovate literature and art. The two tendencies summed up in Brahmanical Hinduism and Buddhism often regarded as opposing and irreconcilable forces are perfectly harmonized in Kautilya, for Buddhism stood for freedom for society, freedom for the individual and freedom for thought, while Brahmanical Hinduism stood for supremacy of mind over sense, of spirit over matter.

Kautilya's conception of Law was in keeping with his conception of politics freed from the trammels of irrationalism. Law was not an expression of the common will of the people, and all Hindu law-givers agreed in preferring the origin of law as *Sruti*. Whatever knowledge that was not syllogistically

worked out but was derived by flashes of intuition, was regarded as inspired knowledge; and customs like-wise which had been handed down from the past were also sacred. Historically, tradition and usage were the primary sources of the foundation of Law. *Smṛti* as a source of Law referred to *Silā*, Practices and recollections of those who knew the *Vedas* as sources of law.

The authority of long established custom was never questioned by any society, Greek or Roman, and all regarded that Law was something which all men ought to obey chiefly because every law was devised and given by God, but made intelligible by its being resolved by intelligent men. Law was invariably looked upon as founded on the twin roots of religion and agreement of men learned in sacred lore. Thus, the community always revered the Assemblies of wise men and vested authority in them. The greatest importance was given to *Sisṭachara*, viz., practices of men who knew the *vedas* and who acted in society, not from any obvious earthly motives but with a spirit of altruism and of conformity to *Dharma*. *Sisṭas* are described by Baudhayana as those who are free from desire '*Raga Dveshadi Parithyaga*' who are free from envy, from pride, contented with a store of grain sufficient for ten days, free from covetousness, free from hypocrisy, greed, perplexity and anger; who in accordance with the sacred law have studied the *Veda* together with its appendages, know how to draw inferences from them and are able to adduce

proofs perceptible by the senses and free from the revealed texts.'¹

This description of *Sista* envisages true Brahmanical character which was devotion to God and parents, good temper, freedom from jealousy and bitterness, fair speaking, gratitude, piety, and tranquility. *Achara* indicated practices which sought to follow practices of previous good men. Though custom and practices looked authoritarian, the abrogative function of custom was bound to develop in the absence of any effective repealing agency which was to adapt *Dharma* to progressive popular opinion. *Narada* and *Yagnavalkya* specifically mention that *Dharma* which was condemned by people should not be followed.² According to Kautilya, the sayings of learned men along with *vedas*, *Puranas*, *Itihasas*, *Nyaya* and *Anga* were all sources of *Dharma*. All these studies were regarded as the completion of the *vedic* knowledge and so far as any of them gave any guidance, it was entitled to be looked upon as a foundation for *Dharma*. Kautilya mentions of *Anviksiki*, *Sankhya*, *Yoga* and *Lokayata* sciences applied to matters of religion and law.³ Secular body of law founded partly on custom and partly on the authority of the

1. Baudhayana, I, 1-5.

American Journal of Oriental Society, December 1928
Among of the Dharmasastras, of Baudhayana,
Apastamba, Vasista, Narada, Manu, Yagnavalkya,
Vishnu and Gautama, Kautilya seems to have used
BAUDHAYANA only. Meyers: Einleitung

2. Yagnavalkya, p. 180-Ed. Bapu Sastri Moghe

3. Kautilya: Book III, Ch. I
Book I Ch. III

various texts was also recognised as a source of *Dharma* which was understood as a property of the soul. *Atmagunah Dharma*. Secular law existed side by side with sacred law. Outside the pale of sacred law, persons were governed by their own customs and by the ordinances of their own communal organisation and the king was required to maintain the *Samayas* as well as whatever were their religious customs and institutions.

Law was related to the environment, the social and legal institutions of the times, the social ends and ideas and the entire culture of the Age. Social ends determined the content of law, and the relativity of law to ends extended from content even to form and source. The sources of law were pre-eminently determined by the ends contemplated by the society to which the law applied and varied with a change in social ends and ideas.

Kautilya recognised the importance of rational law or king's law and its priority to *Dharma*, *Vyavahara*, and *Charitra*. The king's law was to be in accordance with the injunctions of the triple *Vedas* wherein the four *Varnas* and *Ashramas* are defined; the king could not overlook caste duties which were eternal. But he could make laws and these were only regulatory laws and not laws substantive which would make him arbitrary. The king could promulgate fresh laws but these could be done by superseding the *Sastras*, when the new laws had their basic principles rooted in *Dharma*. The judges well versed in the *Dharmasastras* could

demand conformity to *Dharma*, but as the judges were at the mercy of the king, the interpretations of the law could be liberal and the king as in the case of Emperor Asoka could turn out to be a legislator rigorously enforcing the protection of animal life and seriously circumscribing the liberty of the orthodox.

Law was rationalistic, in the sense, a rule or behaviour to which men were to conform, was itself a part of the natural order of things. The Greeks too believed in *Thamis*, law as ordained by Heaven, or nature, *Dilke* that which was abstractly right, and *Nomos*, secular laws originating either in established usage or Governmental enactment. The greater part of Greek law as Indian law was unwritten, being reduced to concrete activation by *ad hoc* pronouncements of magistrates specially revered for learning and wisdom. Law was common sense and right reason in the form of specific rules of human action.

Kantaka Sodhana

Kautilya makes a clear distinction between civil law *Dharmasthiya* and penal law, *Kantaka Sodhana*. Three ministers of the king *amatyas* and three learned men acquainted with sacred law *Dharmastas* were required to carry on the administration of justice. They determined cases relating to duels robbery and disputes among trade guilds. They distinguished between valid and invalid transactions, declared the offences of *Parokta* and *Drista Dosa*

and *Svayamvada* as faulty and *Anuyoga*, honesty *arjava*, evidence *hetu* and assertion by oath *Sapatha* as important steps for success. *Arthasadhaka*.

Penal law was a part of public law, and all such rules of law that concerned the functions of administration in relation to administrative authorities among themselves and in the relation of the administration with artisans, labour unions *Sanghas*, trader merchant associations and foreigners, were regarded *Kantaka Sodhana* Law¹ It was intended to carry out the king's law in its minutest details, regulate the administrative organisations of the *Rashtra* and determine the rules of law relative to the activity of the administrative authorities. It was to indicate the rights of *Karuka silpa ganah* which the ministers were to respect and thus delimit the sphere of action of the administration so far as the unions and corporations of artisans were concerned; it was also a method of offering individual remedies for the violation of the rights of corporations. *Kantaka Sodhana* was manifestly something more comprehensive than a body of penal sanctions which were applied to all the castes and corporations. Three commissioners *Pradeshtarah* were required to deal with measures to suppress

1. *Kantakas* are artisans

Tamil and Malayalam commentary

Ganapathy Sastri Bk. II Ch IV

Kantakah : prajapidakarthat, kantakatulyah karukavai-dehikadayah tesham sodhanam.

Artha Sastra : Bk II Ch IV Anyan vareyeth desapidanah.

disturbance to peace. Persons learned in customary and sacred law had no place in adjudication of penal cases, as *Kantaka Sodhana* was secular and vitally connected with day to day measures of administration and *Rajasasana*. Weavers washermen, scavengers, medical practitioners, musicians, beggars and buffoons who were all thieves in effect though not in name by cultivating fraudulent practices, were restrained from oppression on the country. The individual was protected against the malpractices of merchants. The Superintendent of Commerce supervised weights and measures to prevent deception, secured an equitable distribution of commodities, centralised sales in cases of urgency and fixed the percentage of profit to the merchants and regulated prices of commodities on consideration of their outlay, quantity, amount of toll, hire and other kinds of accessory expenses. The king was to provide remedies against such calamities as fire, floods, pestilences, famines, wild beasts and spirits and demons. Against calamities *upanipate pratikarah*, Kautilya suggests not only physical but also supernatural remedies. *Atharvavedavido Mayayogavido va karmani kuryuh*.

In exercising remedies, the king had to protect the afflicted among his people as a father his sons *Sarvatra Chopahatan pitevanugrhnayat* The commissioner *Samaharta* was to protect the people against the wickedness of *gudhajivi* whose avocations were foul and were carried out in a insidious and mysterious

manner. Kautilya mentions of thirteen kinds of criminals who secretly while attempting¹ to live by foul means destroy the peace of the *Rashtra*. Kautilya commends the employment of even ascetic spies to detect youths of criminal propensities.² Persons whose family subsists on slender means of inheritance, who frequently change their residence, caste and names., who conceal their own avocations and take to luxurious modes of life., who are excessively attached to women, squander away their money, and whose destination and transactions are difficult to understand, had to be apprehended on suspicion.³ Criminals had to be seized on suspicion or in the very act or on the basis of circumstantial evidence by officers like *pradeshta*, *sthanika*, and *nagarika* in charge of a fortified town. But the production of conclusive evidence was necessary before the accused was charged by the offence and punishment meted out to him *samaptakaranam niyamayet*.⁴

Kautilya denounces acts of murder or inducement to murder under infatuation of love, anger or other sinful passions. Suicide under the influence of passions is likewise deprecated, as life is sacred, and what is intended for dedication to service being violently removed due to personal infatuation. Accordingly, bodies of such persons or of those who

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1. ArthaSastra Bk. IV Ch 3
 2. ArthaSastra Bk. IV Ch 3 & 4
 3. ArthaSastra Bk. IV Ch 6 'Sankarupakarmabhi
grahah
 4. ArthaSastra Bk. IV Ch VIII
'Vakyakarmanuyogah

induced suicide should be dragged along the public road by the hands of *Chandalas* and obsequies denied to them in order to demonstrate to the people the ugliness and immorality of suicide. *Ghatayet svaya matmanam stri va papena mohita*¹ Though different kinds of tortures were employed to extract confession, women, the weak and the infirm and those who made confessions of their own accord were exempted from torture; but no difference was observed between the castes as regards punishment for crimes, and even Brahman offenders were branded to a wound and the nature of their crime was proclaimed in public and they were banished or sent to the mines for life.

Kautilya advocates the infliction of very severe penalties on government officers and others who were guilty of misappropriation or of damage to state property, like granaries, treasure, mines and manufactories. Issue or use of unauthorised orders by officers was punished in proportion to the gravity of the crime; even the judges were punished for intimidation, unnecessary inquiries and delay in the discharge of duty, evasion and imposition of unjust corporal punishment. The king was required to test the conduct of government servants and then, through those officers of approved character had to examine the conduct of his people both in towns and villages. It was the duty of the commissioners to determine the propriety of imposing fines in lieu of mutilation

1. ArthaSastra Bk. IV Ch VII

of limbs, taking into consideration, the social position of persons, the nature of the offence and of the cause that led to the perpetration of the offence, the antecedent and present circumstances, time and place and equitable distinctions among offenders. Kautilya devotes two interesting chapters for the discussion of the status and freedom of women in society and the meting out of punishment for violating justice. Traders and merchants were protected against individuals and government servants; likewise, mature and immature women were protected from the sinister designs of the wicked. The Superintendents of land *Chorarajukas* and even the people of the locality were required to make good, losses of merchandise sustained by traders and merchants; thus the latter were assured absolute security of person and property.¹ Kautilya recommends likewise, elaborate measures to detect crimes from seditious persons or those guilty of treason against the king.

By means of *Dharmasthiya* and *Kantaka Sodhana* law and administration, the *Swami* had to consolidate his kingdom and exercise benevolent but absolute sovereignty over the *Rastra*. Animated by enlarged ideas of ethnic and territorial unity, the *swami* entered upon the realisation of a positive policy and endeavoured to bring under one sovereignty and under one administration, all fragments of territory and people that formed a natural whole

1. ArthaSastra Bk. IV Ch 13

for purposes of commerce, social intercourse and defence. To accomplish this purpose, the *swami* entered upon a career of aggression which necessitated a perfect internal cohesion; and accordingly, all interests, family and religion were subordinated to *swami* and centralised administration; and divine qualities were imputed to the king by the wise men *pragna* and he was encouraged to assert absolute powers in all matters of government and society as crises and emergencies demanded strength, vigour, energy of action, promptness of decision, unity of counsel, continuity and consistency of policy. The real work of the administration had to be done by ministers of the bureaucracy, with a permanent status and tenure and selected for their administrative capacity, tact and resourcefulness. Coordination, regulation and control, initiative and encouragement were the functions of ministers and heads of departments, and the entire hierarchy of officers was to achieve good and efficient administration by undivided counsel, promptness of decisions and a consistent policy.

Accordingly, the responsibilities of *amatyas*, *amujivi*, *brhtyas* and others who were all dedicated to the service of the *swami* were great and heavy. The king's moods were to be closely followed by the courtiers and difficult situations had to be overcome by great vigilance, tact and care. The courtier had always to guard the king's interest and his own interests and others in conformity to

the principles of righteousness and economy.¹ The courtier was to avoid evil aspersions against others and he should not ascribe evil to others; he should forgive evil done to himself and to develop as much forbearance as the earth. *Kshnavan prithivisamah*, for, the life of a courtier under the service of a king was like life in fire *Agnaviva hi samprokta vritti rajopijivinam*. He was to endeavour to arrest the fall of the king into evil habits and save him from the intrigues, plots and deceptions of enemies *Mantra samvaranarthamacharanti pragnah*. When *artha* and honour were discontinued by the king, the minister was to abandon such a king; but if the king was a *silamatmanamscha*, the minister was to rectify his own defects and loyally serve the king.

The responsibilities of the ministers at the time of the apprehended death of the king were grave, as apathy and neglect on their part would involve the state in peril. Accordingly, to Kautilya, the ministers, like the philosopher kings of Plato were the inspiration and the fundamental urge of state activity; they were the props of the king's authority, and they guided his destiny which was bound up with the state's destiny with a firm hand, conducting the administration themselves. In times of grave crisis and national calamity, when the

1. ArthSastra Bk. V Ch IV

Ahinakalam rajartham svartham priya hitaih ; saparartham desakale cha bruyath Dharmarthasamhitam ; prstah priya-hitam bruyath, Nabruyath Ahitam priyam ; Apriyam va hitam bruyath.

report of the death of the *swami* would imperil the kingdom, the ministers played the role of national conscience and of Providence and averted *rajyavyasanās* in the form of enemy invasions, by great courage and statesmanship. The army and the treasury had to be safeguarded; cognates, princes and other chiefs of the royal family had to be withdrawn from the capital and sent on difficult expeditions; wild tribes, disaffected elements and neighbouring kings who threatened invasions had to be conciliated; the heir-apparent then, had to be brought out of the palace and displayed before the public and then, the burdens of administration transferred to his shoulders.

Bharadvaja advocates usurpation of authority by the minister, in times of disputed succession, *svayam rajyam grnhiyat*, and the minister was not to discard what had of its own accord fallen to his hands; for, then, the people would say that a woman making love of her own accord will, when discarded, curse the man. *Svayam arudha hi stri tyajyamanabhi shapatiti Loka pravadah*. Kautilya recommends that the minister should invest himself with the powers of sovereignty, during the interregnum in order to consolidate the kingdom *evamekaisvaryamatyāḥ karayet*, but it is unrighteous to do an act which excites popular fury. The minister was to instal in the kingdom such a prince who possessed kingly qualities *raja-putramatya sampanam rajya sthapayet*; with the help of *mahamatras* and members

of the royal family.¹ He was to address them thus: Look at the father of this boy as well as to your own valour and descent; this *Kumara* is only a flag and yourselves are the lords.² The minister was thus to persuade the *yogapurusas* to an acceptance of his choice; while the nobles in ratifying his choice should commend the minister's lead in the matter with the sacred object of protecting the kingdom. *Ko anyah bhavatpurogatasmat ragnaschturvarnyam arhati palayetum iti*. It was open to the ministers after having consolidated the kingdom and taught the new *swami* in the principles of polity illustrated from *Itihasa* and *Purana*, to seek retirement from active life and migrate to the woods in the garb of an accomplished ascetic for contemplation, *Aranyam Dhargasatram va seveta*.³

Kautilya is a great exponent of the doctrine of the rule of the aristocracy in the Aristotelean sense of the rule of the noblest and the best. The aristocracy of ministers was to serve *swami* loyally, and to immolate themselves at his altar if need be; but normally, the ministers were *swami*'s guides and the custodians of his conscience.

Bureaucratic Government In The ArthaSastra

Aristotle accepts the government by the aristocracy as the best of the forms of

1. Artha Sastra Bk. V Ch 5

'Rajya pratisandhanamekaisvarya cha'

2. Artha Sastra Bk. Ch. 6

Ayam vo nikshepah, pitarasyavaksha dvam, sachva-bhijaanmatmanamscha dvajamatro.-Ayam, Bhavanta yeva Swaminah

3. ArthaSastra Bk. V Ch 6

government. Aristotle's dealing with Revolutions and their causes, is very objective and provides a code of conduct for oligarchs and monarchs to keep themselves in power, when once power is gained and resorting to what is expedient and necessary, according to the nature of the situation. Espionage, employment of women spies, apparent manifestation of zeal in religion without making piety seem artificial and insincere, conferment of favours on devotees, infliction of punishment through the agency of magistrates and the law Courts, eternal vigilance against the hand of the assassin, and remorselessness in getting rid of traitors and malefactors-were some of the methods however morally reprehensible were commended both by Aristotle and Kautilya as the necessary preservatives of authority. At the same time, both of them also state that the government should be rooted and grounded in the heart and will of the people and that there should be a preestablished harmony between the people and the government.

Again, according to Aristotle, the State is not an association existing for the protection of rights only, for the increase of wealth, for the development of trade and for the extension of Empire. The State is an union or brotherhood of equal men who are prepared to rule and to be ruled. The people are not brought together by force or fear, but are animated by a single aim to live the noblest life, of which man is capable, and they should be unimpeded in the exercise of the highest qualities

moral and intellectual. Those only were capable of membership who could live for noble ends; those whose souls and bodies were not by nature complete, or inadequate to the great demands that were made on them or those who were marred by sordid or engrossing occupations, and could not become organic parts of the community, ~~and~~ were therefore fitted only for lower and ministerial functions. Aristotle excluded from citizenship, certain classes of the population on the ground that their employments were degrading, and he made no secret of his contempt for manual and industrial labour.

Aristotle lays stress on the ubiquitous and penetrating influence of the State and the vast forces at its disposal. The State has the general task of regeneration, To this end, it must re-organize the whole industrial and economic system and marshall men in new groups and combinations assigning to each its special functions. The state is to minister to the souls as well as to the bodies of its citizens. The welfare of the soul depends upon the harmony of its parts and their unanimity as to which shall rule. Plato speaks that the individual City can never be happy unless it is drawn by those painters who copy a divine original. The wellbeing of the individual in this and the other world is determined by the principle or order which subdues the factors of disorder, by the supremacy of the soul over the body and by the attainment of harmonious relationship between spirit and body and by the unanimity of the mortal

and immortal selves within man, enjoining as to who shall rule. The spiritual and immortal part of man that lays down the law and is the defender of the community, as opposed to the appetitive part is postulated by Plato and Aristotle; and this corresponds to Kautilya's division of the social orders into *Brahma*, *Kshatriya* and *Vaisya* and the superiority of the sacred to the royal and *vaishya* communities.

Accordingly, to both the thinkers, the State appears as the soul to the body, and by salutary restrictions, the State will withdraw the facilities for vice, and it will remove many existing temptations by raising the standard of material prosperity. The State is an organism round whom emotion and living sentiments could gather and the individual citizens could feel that the state was not extraneous to them but that it was always in close and organic and living association with them.

Kautilya recognises the importance of power in politics for the acquisition and maintenance of wealth, which contributes to the richness of social life and happiness. The attainment of *Dharma* and *Vimochana* depends upon the pattern of human relationships evolved spontaneously within the society by *Varna Asrama* existence. The state of Kautilya has primarily a materialistic basis as when discussing the life of a saintly king, he observes that 'Wealth and wealth alone is important in as much as charity and desire depend upon wealth for their realisation'.¹ To Kautilya

1. ArthaSastra, Book I, Ch. 7

the science of *Varta* was important since on *Varta* dealing with agriculture and trade, depended the power of the state to control its subjects and its external enemies.¹ Kautilya, in virtue of the etymology of *Varta*, says that *Artha* is the *Vritti* of man, and it means the whole of human activity. *Artha* raises the question of ends and *Varta* that of means. *Varta* comprehended within it, the most important divisions of economics in relation to practical administration as production, equitable distribution and convenience of transport. *Varta* included agriculture, smithy, carpentry, reservation of produce, weights and measures, prices, wages and coinage, toll and passport, regulations, weaving and other forms of domestic industry for old and helpless women, widows, girls and orphans.

Kautilya devotes a large part of his work to a description of finance and of the financial administration, town planning and fortification and organisation of a vast bureaucracy with thirty *Adhyakshas* constituted as the head of a highly complicated hierarchy of departments controlling the entire social economic and religious activities of the people, and crowned at the top by *Swami*. The king is the apex of the pyramid and permeates the whole pyramid. There is an elaborate description of the organisation of the State with its territorial divisions each with a certain fixed number of inhabitants and occupations, resources in cattle and land. *Durgajanapadasatya-*

1. ArthaSastra, Book I, Ch. 4

*Bhritya karma samudaya padena sthapayet.*¹ The divisions began with *grama*, the unit of administration and ascended to *Sangrahana*, *Kharvatika*, *Dronamukha*, and *Sthaniya*; each had its administrative head exercising authority as the replica of the central government and obediently carrying out into execution, the various forms of law as *Agna Lekha Upagrahalekha*, and others.

Like Aristotle's State, Kautilyan State was a Social Welfare State.² *Natma priyam hitam Rajnah Prajanam tu priyam hitam.* Again, *Nityadhikarah karyasthe rajnah priya hite ratah.* There was to be exploitation of land, mines, and forests to promote wealth; the state was to own industries and plant new colonies, develop trade and commerce, control prices and perform other things incidental to a prosperous economy and augmentation of the national wealth of the state.

Kautilya was aware of the environment of the state and the resources it offered to human industry as mines, quarries, the products of wells and springs, field and forest, fisheries of all kinds, and animals both wild and domesticated. He was convinced that a narrow range of production would fatally restrict progress in the arts and refinements of life; and that the growth of civilization and security could be possible only in countries having a class of men who possessed the time, the disposition and the

1. ArthaSastra, Book V, Ch. 3

2. ArthaSastra, Book I, Ch. 15.

means to observe and to investigate the various subjects upon which such growth depended, as the facts of nature and the laws of the human mind. As society could not move forward, if every man was intensely absorbed in the struggle for physical existence, what was imperative was the freedom of the men of leisure and of contemplation from the necessity of constant physical toil; besides there was to be sufficient accumulation of wealth. But wealth depended upon natural factors which did not compel man to undergo grinding toil to procure the means of material subsistence, but left sufficient time to indulge the disposition to investigate and create.

Accordingly, Kautilya regarded *Artha* as the supreme constituent of *Danda* and directed himself to a meticulous examination of its nature and content. His was not the Socialism which aimed at the modification or the destruction of the economic environment felt to be ethically evil, restrictive and oppressive, but at the improvement by specialised methods of economic resources, of the country for human welfare. The *Adhyaksha-prakarana* mentions of Officers who had two-fold functions to perform; to carry on the administration of the kingdom and to undertake and manage industries and trade on behalf of the State. The State was the owner of machinery and livestock, and *Sitadhyaksha* was the Superintendent of agriculture and was entrusted with the special duty of cultivating crown lands with the help of ordinary

cultivators, landless labourers and *Ardha Sitah*, who paid one fourth or one fifth share of the produce as land rent. Nothing is said about the system of collection, but the registers¹ show that each cultivator paid direct to the official. The efficiency of the land revenue system was essential to the stability of government. Mauryan finance depended a great deal on land revenue and income drawn from royal domain and from the taxation of non-crown lands. There was qualified State landlordism.² There was the owner of the soil, and land was prepared for cultivation and was given to *Karada* tax payers for cultivation and for life. Kautilya mentions of two kinds of tax as *Bhaga* land revenue and *Udakabhaga*. There seems to have existed private ownership of land also, as implied in the right of alienation by sale or mortgage.³ Kautilya speaks of *parabhumi* for constructing building on sites belonging to others. The State encouraged the settlement and formation of new villages by inducing the surplus of any one area to migrate from the thickly populated centres or by inducing foreigners to emigrate. The revenue consisted of *Shadbhaga*, water rates, octroi, tolls and custom duties.

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1. J. R. A. S. Jan. 1929, page 97.
 2. V. A. Smith: Early History of India, p. 137
 Jayaswal: Hindu Polity, Part II p. 174
 F. W. Thomas: Cambridge History of India,
 Vol. I p. 475
 Ganapathi Sastri: Vol I p. 287.
 3. ArthaSastra: Book III, Ch. 9, Ch. II.

The king's duty was to protect agriculture from the molestation of oppressive fines, forced labour and taxes.¹ Reserved, protected and unclassified forests were all a State monopoly;² elephant forests and those producing teak, palmyra, bamboo, creepers, hemp, birch, rope material yielding plants and other things belonged to the king. Medicinal herbs, poisonous plants, skins of animals, plants yielding colouring material, bones, sinews, horns and hoofs of animals, metals as copper, lead, tin, bronze and utensils of bark, cane, clay, of chemicals and ashes exclusively belonged to the Swami. Industries were worked with a view to manufacture out of these products, articles of ordinary consumption and for warfare; and those who transgressed industrial and labour laws were punished.

The revenue from minting of gold, silver and copper was great.³ Mines were the other sources of the replenishment of the treasury.⁴ There were ocean and land mines and these were a state monopoly and were worked either directly by the State,⁵ or jointly by the state and private companies. Permission was granted in some cases to private ventures. It was the duty of the State to keep old mines in good order and to open new ones, and

1. ArthaSastra: Book III, Ch. 1

2. do " II. Ch. 2, 17

3. do " II. Ch. 14

4. ArthaSastra, Book II, Ch. 12

Akara Prabhavah Kosah Kosa dandah prajayate.

5. ArthaSastra Book II, Ch. 1

the king had to appoint officials for the working of the mines. The income from mines was derived from *Mula*, *bhaga*, premium of 5 percent, *parigha* testing, a share from the manufacture of goods from minerals, *Atyaya Sulka*, tolls, octroi, *vaidharana* compensation for interfering with royal monopoly profits of coinage *rupa* and *rupika*.¹ The State enhanced its income from mines by manufacturing armaments, implements and weapons of war.²

The State reserved both mining and commerce in minerals and mineral products, as a monopoly and the king was advised to carry on mining operations so to avoid financial embarrassments due to a depleted treasury.³ There was a regular government monopoly in salt, and adulteration of salt was punished with the highest amercement, whether the guilty were *grihasthas* or *vanaprasthas*. A Superintendent of Storehouse supervised the manufacture of oils; an officer collected tolls on merchandise imported or exported. The *Sutradhyaksha* was to employ qualified persons to manufacture threads, clothes and ropes. Even mail armour were produced.⁴ Those who manufactured fibrous cloths, silk raiment, woollen cloth and cotton fabrics were rewarded.⁵ Labourers working overtime were given extra payment. Widows, cripples, girls, and mendicants were employed and special rewards were given for working on holidays.

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1. Ganapathi Sastri, *ArthaSastra*, Vol. I. p. 137
 2. *ArthaSastra*, Book II, Ch. 1.
 3. *ArthaSastra*, Book II, Ch. 1.
 4. *ArthaSastra*, Book II, Ch. 23.
 5. J. B. O. R. S., Vol. VI, p. 30

The Superintendent of Liquour had to centralise or decentralise the sale of liquor according to demand and supply. The manufacture of liquor ferments and *Asavas* was popular and though there was encouragement to drink, indecency and indecorous behaviour were severely punished. The State had a monopoly in liquor and private manufacturers were fined.

The Superintendent of Marines was to collect customs from fishermen, passengers of ships and pearl fishers, and conch shell dealers;¹ Ferry fees of all kinds indicated a brisk commercial life.² The king exercised his right of ownership with regard to fishing, ferrying and trading in oceans, rivers, reservoirs and lakes. The Superintendent of Commerce, *Panyadhakshya* was to secure home markets for the sale of the products of State manufactures and to provide facilities for their sale. Foreign articles were also imported and these came from China, Kamarupa, Pandya, Simhala, Kerala, Barbara and other countries. All foreign goods paid *Vartanam* ³ at the entry to the state harbours; *Dvaradaya* was also paid by merchants for import of commodities. Kautilya says that both kinds of merchandise imported and exported shall be favourably sold to the people, so that there is no large profit which is likely to harm them. Kautilya regarded cornering of goods

1. ArthaSastra, Book II, Ch. 28

2. Dr. Radhakumud Mukherjee. A History of Indian Shipping and Maritime activity, p. 106.

3. Artha Sastra, Book II, Ch. 21

and the organisation of trusts with the object of cornering foodstuffs and commodities, as a serious evil, and ordained severe punishment for those merchants who united either to prevent the sale of merchandise or to sell or purchase commodities at higher prices.¹ The State regulated the system of prices and profit by allowing a general profit of five percent over and above the fixed price in case of local commodities and ten percent in the case of foreign produce. The State regulated the profit of the middlemen by punishing tendencies to enhance or lower prices. The losses incurred by merchants were made good by the State. Other sources of income were guilds of artisans and handicraftsmen, corporations and others which claimed special privileges. Undesirable foreigners *Bahirikas* had to pay a tax to enter² the city. The Census department helped the imposition of a small cess on every member of the family. There was a systematic registration of births and deaths and each house with its history, occupation, income and expenditure, found its entry in the State Register.

The income tax from actors, dancers, musicians, jugglers, soothsayers, *Ganikas*, *Rupadasis* and prostitutes was a large part of the revenues of the state. Taxation was not progressive but proportional and like the *agaronomi* of Athens designating the price which each prostitute should take according to her class, the *Rupajivis* collected their fees from their visitors. An Excess

1. N. N. Law : Studies in Ancient Hindu Polity, p. 55

2. ArthaSastra, Book II, Ch. 4

Profits Tax also was collected.¹ There was a general sales tax levied on sales in general. Auctioneers had to pay a tax on the sale and purchase of buildings.² When traders enhanced the value of land or buildings, the increase over the usual price belonged to the State. The Superintendent of Slaughter houses collected taxes from butchers and meat sellers and regulated the supply and sale of meat. The Superintendent of Gambling, centralized gambling and regulated its operation. Pilgrims likewise had to pay *Yatratvetana*. There were fixed benevolences and people had to pay for acts of affection. *Pranaya Kriya*. All these illustrate that the State was over zealous in the collection of revenue from all possible sources so that the wealth so accumulated might be spent on the protection of the State from external and internal danger, and on social services and productive enterprises, as building of forts, bridges, roads, plantation of colonies of villages, asylums, orphanage and educational institutions.³ Greatest vigilance and effective control were exercised by chief officials of state who also scrutinized the State income and expenditure. A formidable system of espionage was organized to ensure security against internal and external enemies, and against attempts to frustrate the benevolent policy of the king. There was constant replenishing of the treasury, for, deficits followed by a depletion of the treasury

1. ArthaSastra : Bk. IV Ch. 6, 15; Gopal: Mauryan Finance.

2. do Book II, Ch. 9

3. ArthaSastra, Book II, Ch. 1.

was a signal to disaffection and to invasion from without. The governors and the deputy governors of Takshasila, Suvarnagiri, Ujjain, Kalinga, Tosali, and Samapa, and officers designate as *Samaharta Sthanika* and *Gopa*, *Rajjukas* and *pradesikas* who were the heads of *Janapada vibhagas* into *Dronamukhas* and *Kharvetikas*, all were enjoined to keep eternal vigilance, and assist government undertakings to keep the treasury full.¹

The bureaucracy was a highly complex machinery, and wealth had to be distributed among them equitably in order to preserve the tranquility of the kingdom. There were ministers, *amatyas*, *mahamatras*, Superintendents of several departments, officers in charge of boundaries, land and forts, revenue collectors, chamberlains, astrologers, soothsayers, story tellers, bards, spies, commissioners; *Ganikas*, servants, *Yuktas*, *upayuktas*, *rajjuiki* and *pradesikas*. All had to be paid commensurate with their ability, the hazardous nature of the work and the service they rendered to the king. *Gopas*, *Sthanikas*, Surgeons, physicians and messengers were endowed with lands which they had no right to alienate.² They were also given quarters to live in the north

1. ArathaSastra, Book II, Ch. 35

2. ArthaSastra, Book V, Ch. 3

Salaries were paid annually and they were in the following order: Ministers-48,000 panas, Collector General,-24,000 Chief constable-12,000 Commissioner of the city-12,000, Superintendents of departments 9000, accounts 500, workmen and servant,-60; spies 1000, servant spies 250, mendicant women spies-500. (Pana is equivalent to 10 annas.)

or the east of the capital. There was grant of subsistence and wages to dependents of those who died while on duty.¹ The king undertook tours every year for the purpose of inquisitorial inspection. Enormous sums of money were spent on the royal household '*avarodhana*'.² The priest, sacrificial priest, teacher, heir-apparent, mother of the king and queen were all paid 48,000 panas each. Playmates of the king, learned men and king's chamberlain and attendants were paid 1000 each; and the display of royal splendour at Pataliputra compared with similar display at Susa, Etbatana, which were the capitals of Persian rulers.

The solicitude of the king towards his people was like that of the father to his children.³ The religious life of the people was supervised by *Dharma Maha Matras* and *Vyustas* who were sent out in the time of Asoka as missionaries. The king constructed places of pilgrimage and for the retirement of *vridddhas* and *tirthas*, like, *Punyasthana* and *Arama*. These were also known as *Viharayatra*, later converted in the time of Asoka, to *Dharma Yatra*. The king spent large sums of money on public feasts, *samajas*, *utsavas* and *viharas* which were all modes of public entertainment organised with the object of harnessing loyalty to the sovereign while overtly they were festivals in honour of gods and ancestors.⁴

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1. ArthaSastra: Book II Ch. 1
 2. do Book V, Ch. 3
 - do Book IV, Ch. 3.
 3. ArthaSastra, Book II, Ch. 1
 4. ArthaSastra, Book II, Ch. 25.

Sarvatra Chopahatan pitevanu grihniyat.
Asok's Border Edict.

Large sums of money were spent on learned men and educational institutions as universities and monasteries. Forests were set apart for the establishment of seats of learning, and the growing of *Soma* was entrusted to them. The Brahmins and priests were endowed with *Brahmadaya* lands and like palace priests and *srotriyas*, they were exempted from taxation. *Acharyas* and men proficient in learning were employed for the propagation of education.

Megasthenes speaks of *Brachmanes*, philosophic Brahmins and *Garmanes-Sramana* ascetics. These were held in higher estimation than the others.¹ From the time of their conception in the womb they were under the care and the guardianship of learned men. After birth, the children were under the care of one person after another as they advanced in years because their masters were men of superior accomplishments.

The philosophers resided in a grove in front of the city within a moderately sized enclosure. They lived in simple style and lay on pallets of straw and skins. They abstained from animal food and sexual pleasures and occupied their time in listening to serious discourses and in imparting knowledge to willing ears. The listener was required to exercise great self-control. After 37 years of study, each individual returned to his own possessions where he lived in security and under less restraint, wearing robes

1. Macrindle. Tr. Works of Megasthenes Arrian and Strabo

of muslin and a few gold ornaments on his fingers and ears. Nearchas says "no one who despises alike pleasure and pain, and life and death, need be subject to another and this is the character both of a good man and of a good woman. They respect truth and virtue, abstain from wine and women from unlawful appropriation of the properties of others. They communicate with the kings who consult them by messengers regarding the cause of things, of the mystery of birth and death, of the nature of soul and immortality."

Little information is available about ancient Universities in the *ArthaSastra* though Kautilya is believed to have been a pupil of the University of Taxila. It was one of the primary functions of the State to maintain the distressed members of the community and provide suitable lodging and food for the orphans, the aged, the infirm and the afflicted. Children and pregnant woman received special care and it was one of the cardinal tenets of Dharmic life that in a well-ordered and efficient State that no one should starve or suffer, for lack of food and medical attention.¹ The orphans were fed and educated by the State.² There was free distribution of food among the poor. Rest houses for distressed travellers, excavation of tanks to supply water, hospitals for the supply of free medicine were constructed in important centres of the kingdom.

1. do Book II, Ch. 1

2. do Book I, Ch. 12.

There was an elaborate system of medical relief which was well organised and controlled by the State. Distressed foreigners were well attended to by *Anikasthas* (Surgeons) and if dead, they were buried or burnt, and their property was delivered to their relatives. Kautilya mentions of veterinary surgeons administering medicine for horses, elephants and other animals; widows and helpless persons with mutilated limbs, were given employment in weaving manufactories; and respectable women were supplied with thread which they could manipulate into finished goods before being sold to the state.

The Status Of The Lower Orders In Society

The slave class existed in the Greek State in order that the citizen body might be free to do its duties. The slaves were no vital part of the City. They were merely instruments or living tools which nature had provided and they differed from the citizens as the body differs from Soul or the brute from man. Aristotle places not only slaves but artisans, labourers, shop keepers among the excluded classes, for manual and mercantile labour tend to make the minds of men unfree and their bodies degraded; and he thus altogether overestimates the effect of social conditions and occupations upon character. The noble life is restricted to politics and philosophy and he does not seek to develop in the mass of the people, the highest type of life of which they are capable. The aristocratic sentiment colours all his thinking. He looks to the

dignity, the inherent distinction and excellence of man's personality, which attitude reveals a certain exclusiveness of the mind and a tone of contempt for what is worthy in the common place. Aristotle justifies slavery by 'the principle of rule and subjection' which pervades all nature', and the slave is an 'animate instrument' belonging wholly to his master in virtue of the latter's intrinsic moral superiority. There ought to be proper relations between the two classes so that virtuous citizens might develop the life of virtue. It did not occur to either Plato or Aristotle that slaves could have rights in virtue of being men, and that there was an essential humanity which distinguished men apart from the nature of services they rendered. The Gaurdians of Plato with their rigorous training and privileges bear remarkable analogies to the Brahmin. The Auxiliaries of Plato are near kindred to the common *Kshatriya* and the *Vaisya* and the artisans who were devoted to industrial and commercial pursuits. The Indian theory does not agree either with Plato or with Aristotle that there were some people who were born to serve and others born to be served, though exclusive attention was given to the hereditary principle in India. Kautilya's conception of service of the lower orders to the community comes as a refreshing contrast to either of Plato or of Aristotle's conception.

A remarkable coincidence between the Indian and the Greek point of view was that Plato, like the author of *Purusha Sukta* seeks to maintain the

pre-eminence of his Guardians by a story about their mystic origin. The development in Hindu social hierarchy was determined by historical causes. The status of each group depended on the importance and nature of political rights it enjoyed. Each caste or stratum was determined by its political status which was again determined by its economic status which determined in turn social status. Social differences and inequalities became more acute with the advance of society towards feudal incrustation leading to the passing of vexatious laws and restrictions limiting the freedom of the poorer classes. The basis of the differentiation was economic and one cannot fail to notice the operation of the forces of dialectical materialism as the under current of social upheavals and movements in ancient India. The Brahmins asserted their superiority over *Rajanya*, but later they were defeated in the field.¹ The Brahmins were ridiculed by the Buddhists and this indicated in the Republican days of Buddhist supremacy that there was the assertion of the supremacy of the Kshatriya.² The Brahmins stigmatized heretical sects as *Anarya*, while the Buddhist and the lower orders rebelled against Vedic sacerdotalism and established a democratic religion and a democratic polity.

The period of the ascendancy of the Nandas marks another instance of the State forming and

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1. Pargiter: Ancient Indian Historical Tradition, p. 199-200.
 2. B. Fick: The Social Organization in North East India in Buddha's time. Tr. by Maitra p. 86-87

modifying the social stratification. The ascendancy of the fourth caste under the leadership of a Visvasphani,¹ by the destruction of the old nobility, was the most significant feature of the period of the Mauryas. The Mauryan State was secular in which fundamental distinctions did not operate. There was no inflexible rigidity between the orders and the relationships between the castes did not betoken the iniquities that characterised pre-Buddhistic epochs. In the Brahminical Sutras and in the period preceding Mauryan ascendancy there were anathemas against the Dasas and Sudras, but these were probably only prejudiced sayings of an interested class while the actual working conditions were entirely different, for *Purusha Sukta* ascribed a common origin of all castes and the *Dharma Sastrakaras* like Baudhayana permitted marriages between Brahmanas and Sudras,² and Apasthambha allowed Sudras to cook food for their master. But discrimination was made against Vaishyas and Sudras in certain matters of social and legal rights, and punishment was meted out in order of superiority of *varnas*. Even Kautilya and other *ArthaSastrakaras* were not exempt from this bias towards the higher castes and often upheld the juridical and social inequalities to the detriment of the Sudra, for to postulate a social status equal to the higher *varnas* was to

1. Pargiter: *The Dynasties of the Kali Age*, p. 73.
K. P. Jayaswal: *Imperial History of India*;
do *Tagore Law Lectures*
Age of Manu and Yagnavalkya p. 13.
2. V. P. Kane: *History of the Dharma Sastra*,
Vol. I. 1930, p. 18.

subvert the existing order and destroy the foundations of sovereignty.

It was remarkable that Kautilya while conceding the social demand for a precedence and preferment to the Brahmins, associated the Sudra along with the Brahmin, with certain civil rights which were not contemplated before. Kautilya accepted Sudras as Aryas, and even Manu did not deny that the Sudras were regarded as a part of the same social polity and all castes being derived from a common ancestor.¹ *Rajakas and Tantuwayi*, washermen and weavers and *Yavanas* were all regarded as an integral part of *Aryavarta*. Though the Sudras were not *Dvijas*, yet they were Aryans. Passages derogatory to the status of the Sudra in the social hierarchy do occur in the Arthasastra, but judging from the attitude of Kautilya toward the lower Orders, such anathemas against the Sudras or unjust treatment of the Sudras appear to be a later interpolation in this great work devoted to the organisation of a Secular State.

Kautilya permitted in his State, liberty to the lower classes. A Sudra could be an Arya by birth, while it was no crime for Mlechchas to sell or mortgage the life of their own offspring. An Arya should never be subjected to slavery. The status of *Arya* connoted free citizenship divorced from dependence on hereditary or class principles

1. Manu: 1-31

and *Arya* was thus incompatible with slavery.¹ Kautilya recognized mixed castes and the claims of the offspring of *Pratiloma* marriage for inheritance. He permitted Sudra witnesses in the Courts in the matter of taking oaths.² Kautilya employed the term '*Aryabhava*' to signify privileges of citizenship which he could bestow upon any person irrespective of birth or class in which he was born.³ There were Aryans by birth, and also *Aryabhavas*, those who had been elevated to the status of Aryas by the fiat of the State. The term *arya* was made synonymous with freedom and inconsistent with servitude.⁴ The Sudra is described by Kautilya as *Arya Pran* breathing the breath of an Arya who was naturally a freeborn citizen. 'The selling or mortgaging by kinsmen of the life of a Sudra who is not a born slave and has not attained majority but is an Arya by birth shall be punished with a fine of 12 Panas'.⁵ Kautilya states that it is no crime for Mlechchas to sell or mortgage the life of their own offspring. But never shall an Arya be subjected to slavery. '*Natheyevaryasya Dasa Bhavah*' Likewise, to deceive a slave of his money or deprive him of the privileges he could exercise as an Arya the *Aryabhava* shall be punished with half the fine normally levied for enslaving the life of an Arya. While the

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1. ArthaSastra: Book III Chapter 13
 2. do do Chapter 7, Ch. 6
 3. ArthaSastra: Book III Chapter 13,
 4. Jayaswal Tagore Law Lectures:
Age of Manu and Yagnavalkya, p. 28-29.
Datta: Studies in Indian Social Policy
 5. ArthaSastra: Book III Chapter 13

tradition was that the son of a slave was born a slave, Kautilya makes a revolutionary statement when he declares that the son of a slave irrespective of his father's status is an Arya, and that the offspring of a man who has sold himself off as a slave shall be an Arya and that he might regain his Aryahood by payment of the value of enslavement. Though Kautilya was severe to the Sudras as regards inflicting of fines and of punishment conceding at the same time immunity to Brahmins, he attempts at a mitigation of the economic and social conditions of the Sudras by decreeing that the Sudra might regain Aryahood by payment of money.¹

Kautilya gave the Sudra the status of an *Arya* and developed in his *ArthaSastra*, a scheme of equality in law suits and equality of punishments. It is remarkable that Kautilya in matters of punishment for offences, made no discrimination between Brahmins and Sudras and did not bestow on Brahmins immunity from criminal penalty. The infliction of penances on the Brahmin delinquents was regarded by *DharmaSastras* as a spiritual counterpart of *Artha Sastra* administration of criminal law. But *Artha Sastra* of Kautilya gave the real and regular civil and criminal laws which were Imperial confirmation of existing practices, an equal status in secular affairs. According to Kautilya, though no brahmin offender could be tortured, he had to be branded to a wound after the offence being proclaimed in public and then banished into exile or

1. Book III Chapter 13.

Atmavikrayinah prajam Arya vidyat

sent to mines for life.¹ In case of treachery, forcing entrance into the King's harem, fomenting rebellion among wild tribes or creating disaffection in forests and in the country parts, the Brahmin offender was punished with death by drowning.² The great contribution of Kautilya was, the bestowal of Aryahood or citizenship on any freeman irrespective of his class or birth, and Aryahood was understood as a privilege that was cultural and not racial.

As a result of the progressive secularisation of society due to innovations contemplated by Artha-Sastra and the administration of Chandragupta, the country was prepared for the reception of the great moral transformation ushered in by Asoka and his administration. Asoka did away with certain legal inequalities which Kautilya out of love to Brahminism had left untouched in his Artha-Sastra. His Edicts testify to his observance of the principles of equality of punishment and equality before the law.³ Asoka took away from the Brahmins the benefices that they were enjoying from old times.⁴ He forbade animal sacrifices and declared the *Bhudevas* as false gods; and by appointing *Dharmamahamatras* drawn from the different sections of the community, he neutralised

1. R. Shama Sastry: ArthaSastra 1929, Book IV, Ch. VIII, 222

2. R. Shama Sastry: ArthaSastra 1929, Book IV, Ch. 11 229.

3. Corpus Inscriptionum Indicarum Vol. I.
Fourth Pillar Edict: Eelhi-Topra, p. 125
"Danda Samata and Vyavhara Samata"

4. C. I. I. 1. First Rock Edict, Girnar Ninth Rock Edict.

the hold of the Brahmin theocracy on the people. Asoka built a bureaucracy without a *varna* basis. The development of equality before the law was an infringement of the monopoly rights of the Brahmins, and thus the ground was prepared for a Brahminical revolt and for an assertion of Brahminical superiority, in the centuries that followed the dissolution of the Mauryan Empire. The wish to do good and to make *Artha* coincide with *Dharma* was based on the definite conviction that the justification of power was to be in the good of the community. This was to be regarded as the *Summum Bonum* of human existence. This was also the meaning of politics as could be made out in the Inscriptions of Asoka. The Mauryan Polity was based on the great ideas of Kautilya which was one of harmonisation. *Dharmartha aviyodhena Kamam Seveta-Na Nissukhah Syat-Samamva tri-vargam anyonya anubandham-eko hi ati assevito Dharmartha Kamanam itarau Pidayati.*

Women in the Artha Sastra

One bright feature in the ArthaSastra was the increased respect that was shown to women in the matter of marriage, contract and divorce. According to Kautilya, girls at the age of twelve and men at the age of sixteen were eligible for marriage or *Prapta Vyavahara*. A woman was entitled to claim maintenance in proportion to the income of the maintainer: *Yatha purusha parivapamva*; but she was not eligible for maintenance in case she lived independently of her husband. She was not

permitted to engage herself in amorous sports or get addicted to drink and evil habits. Transgressions were punished; likewise forbidden transactions between men and women. Vagrancy, elopement and long sojourns and *Parighriati gatayam* and criminal rendezvous, were punishable with heavy fines, bodily injury and loss of all kinds of social privileges *Sarvadharmalopascha*.

The system of marriage was sacramental; but it emphasised the importance of contractual obligations. The woman enjoyed a large measure of freedom, and the relations between man and woman were reciprocal in character. Neither of them could practise cruelty on the other and the extent or limits of personal freedom hinged on the nature and the extent of maintenance *Sulka*, man was capable of providing for. The obligation of a wife to serve her husband for a short or a long period depended on the amount of maintenance and the caste of the husband. Kautilya prohibits women of the higher castes and who are married according to religious rites, *Dharma vivahat* from enjoying the privileges that were allowed for others. Marriages contracted in accordance with Dharma could not be dissolved.

Kautilya permits remarriages of women under special circumstances; women not provided for by *sulka* had the right of remarriage with the permission of *gnatis*. Those whose husbands were abroad for a long time, or who suffered from incurable ailments or were sterile, could remarry if

they desired. Women who remarried *Savarna* husbands to prevent extinction of race were not liable to contempt. A woman could marry whom she liked provided the husband could maintain her and relieve her misery. Widows were permitted to marry the brothers of the husbands. Kautilya says on death of the husband, a woman wishing to lead a virtuous life shall at once receive not only her endowment money and jewellery but also the balance of dowry due to her. If she is desirous of a second marriage, she shall be given on that occasion of her marriage what-ever her father-in-law or husband or both had given her. If a widow marries any man other than the one selected by her father-in-law, she shall forfeit whatever had been given to her by her father-in-law and her husband. If a husband is of bad character or is long gone abroad, or is guilty of high treason or is dangerous to his wife, or has become outcast or has lost virility, he may be abandoned by his wife.¹ A woman had a right of maintenance from her husband in case he was away for a long time. From mutual enmity divorce *Moksa* could be obtained. Kautilya sanctions *Adhivedana*, and he also approves of *Niyoga*. A woman whose husband is dead and who desires offspring, may bear a son to her brother-in-law. "Let her obtain the permission of her *gurus* and let her meet him during the proper season only." Neglect of the wife and inattention to her was

1. ArthaSastra Book III, Ch. 4

regarded as a violation of duty, *Dharmavada*.¹ On failure of a brother-in-law, she could obtain offspring from a *Sapinda* or a *Samana pravara* or one who belonged to the same caste.

Like Kautilya, Aristotle says that the household comes into being for one end and exists for better things. Reproduction is a path to immortality and the family in its definitive form, a sort of younger sister of the State, a sort of a school of moral training. The tendency of the household is to inequality; that of the State to absolute or proportionate equality. Aristotle does not pause to prove that the household should be a monogamic household; and he like Kautilya, fixes age for marriage.

The relation between husband and wife is a co-operative union of especial closeness and permanence for the highest ends; they are not only friends but sharers in a common work. The husband was to treat the wife with great reverence and respect; while the wife is supreme over all that passes within the house reserving to the husband the right of deciding who are to be allowed to cross its threshold and even the right of conducting all negotiations for the marriage of the children. Women according to Aristotle, were pledged to conjugal silence in the interest of domestic harmony; and she was to refrain from opposing the husband so long as he did not encroach upon her domain. Aristotle's views on divorce are not clear and he

1. do Book III, Ch. 4

does not mention the subject of prohibited degrees of relationship. Adultery on the part of either husband or wife was to be visited with condign punishment and to be treated as disgraceful throughout the whole term of marriage. Kautilya likewise prescribes fines and punishment for women tainted with sin, but he seems to be more lenient in his treatment of women than Aristotle is, both as regards marriage and inheritance.

The woman in the Artha Sastra enjoys certain legal rights and immunities which are not vouchsafed in the politics of Aristotle. Kautilya permits *Adhivedana* and divorce for woman in case of long absence of the husband or when the partner suffers from incurable illness and from such afflictions that prevent him from being an effective householder and the father and head of the family. Plato in his Laws allows of divorce for incompatibility of temperament though not without the intervention of the State, but his whole conception of the household implies the view that wedlock is normally a life-long union. This is still more true of Aristotle though he would permit the dissolution of an ill-matched or unsatisfactory union, as occasionally necessary. Family to both Kautilya and Aristotle is the source of spiritual influence, the regulator of virtue and the determinant of the education and inheritance of progeny. Kautilya respected the endowment of manliness *Manushopetah* and accorded it a priority in marriage and in division of property. Inheritance was larger in the

case of individuals who had superior or manly qualities.¹

Famine Policy

During Famines the King had to show favour to his people by providing them with seeds and provisions, encouraging emigration and agricultural projects and by protecting the agriculturist who was always regarded as sacred and inviolable and thus left unmolested even during wars. Irrigational works *Setubandah* containing perennial water was to be preferred to projects fed with uncertain sources of supply. Construction of tanks in barren tracts, wells, buildings for shelter, flower and fruit gardens, supply of materials to private persons for renovation of tanks, encouragement of the construction of reservoirs by private philanthropy, remission of taxes for those helpful in irrigation policy, administration of famine relief, subsidies and loans in kind to the distressed agriculturists, gratuitous relief, and diversion of national wealth for the amelioration of the conditions of the poor and needy agriculturist and others—were some of the main features of Kautilya's famine policy.

The State's policy towards labour was thorough and efficient. Those who conspired to lower the quality of the artisans, to hinder their income or obstruct their sale or purchase were punished; wages previously settled were to be paid and received as agreed upon and failure to pay wages

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1. Artha Sastra Book III Ch. 6.
 2. Artha Sastra, Book VII, Ch. 14.

according to contract was punished with heavy fines.

The State controlled land and capital, labour and industry, nationalised mines, owned mines and industries and made adequate provision of subsistence for those who could not make a living or were out of employment, and thus created an environment of greater economic liberty and wider and more satisfying fellowship. The State's functions were unlimited and there was no assignable limits so far as the State aspired to be benevolent and helpful to the people intellectually, economically and socially. During famines, the king shall show favour to his people by providing them with seeds and provision. Kautilya suggests the policy of thinning the rich by exacting excessive revenue or causing them to vomit *Vamanam* their accumulated wealth; favour might be shown by distributing either the king's collection of provisions or the hoarded income of the rich; the king might cause his subjects to grow grains, vegetables, roots and fruits where water was available. Fruit-bearing trees ought to be protected against molestation. It is interesting to note that Kautilya who recommends firmness, courage and relentlessness for the king in the execution of policy is exquisitely tender with regard to flora and fauna of the land. Causing pain to quadrupeds and cutting off the tender sprouts of fruit trees and flower² trees and

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1. ArthaSastra, Book II, Ch. 34; Book IV Ch. 3
do Book II, Ch. 24, Book II Ch. 1
 2. Artha Sastra Book III Ch. XIX

shady trees were a punishable offence. Plants which bore flowers, fruits or provided shade were under the special care of the State and this policy was an acknowledgment of the operative principle of *Ahimsa* which made no distinction between human and sentient beings and other forms of creation. The difference between human beings and trees and flowers were only one of degree and not of kind in matters of feeling. Manu has said '*Tamasa bahurupena vestina karma hetuna || avantaha samgna bhavantiti sukhadukha samanvitaha.*

The 'Tirtha' in Kautilya

There is complete agreement between Aristotle, Plato and Kautilya in regarding Ethics and Politics as identical and assigning moral and spiritual significance to associated living, and in believing that the happy life is virtuous life for the fulfilment of which the whole creation moves. Plato gives a picture of unattainable ideals. Aristotle talks of the descent of the ideal to the real, and Kautilya of the ascent of the real through spiritual effort to the ideal. Aristotle's doctrine of distributive justice resembles of Kautilyan thought. The State is constituted to promote virtue and to distribute its rewards and offices to those who would best help to pursue the good life, and to associate most power to the most virtuous in the community. Though this kind of distributive justice engendered inequality, it was a warrant against manifest injustice resulting from giving to the unfit, rewards and offices that are due to the fit. There was no denial

of the right of personality and the value of the contribution made individually or collectively by other classes, castes and professions in society commensurate with their abilities, to the promotion of the moral life of the community.

Kautilya too, Like Plato and Aristotle, discovers that there are two norms, the one, ordinary which is possible to the great mass of mankind with faith in a future spiritual regeneration, and the other extraordinary; possible for the *Sresthas* or *Tirthas*. There are three aspects of the cultural norm, *Dharma* which was propriety or socially approved conduct inclusive of law, usage and morality, *Artha*, worldly advantage and advancement, and *Kama*, desire. All the texts plead that man should cultivate all the three without the activities of any one of them, violating the others. But the extraordinary norm which had a metaphysical background involved the rejection of ordinary human aims and the acceptance of aims as the attainment of *Jnana* or *Moksha* unattainable by the generality of mankind. There was profound veneration for the great exponents of this extraordinary norm. The Hindu accepted the dicotomy between the ordinary life and extraordinary life which through moral life and a punctillious observance of all the ceremonial ordinances of *Dharma* would move on to a complete and permanent freedom; free from Transmigration and from the law of *karma* which regulated it. To the seeker of truth, *artha*, *kama* and *dharma* are

important in early stages, for these are instrumental or means to *Nisreyasa Sadhana*. *Dharma* is conformity to conventional morality, and *dharmic* living as the pursuit of *Artha* and *Kama* which all fetter one's existence, will become ethical as they lead man beyond *labha* and *Puja* to the liberation of the soul. The *Upanishads* apply the term *Dhira* to a mind that is bent on transcending the limits of empirical knowledge; for his fundamental aim is the attainment and realisation of the Infinite and regarding birth and death as shadows of eternity. There is the emphasis on *Artha* and *Kama* among modes of living as ethical as perfection must precede liberation and as the regressive tendencies create the necessary urge to renounce normal worldly life and take to the ideal norm of the wandering monk. Disinterested action or a life of pure unselfishness amidst interested action and self gives the necessary mental and spiritual discipline for a supreme effort to get the release of the soul from continued rebirth. Disinterested action allows redemption for any individual irrespective of the castes although living normal worldly life. Man could not escape from his station in society and the duties and responsibilities associated with his station; and the supremely moral man even while he lived by this ordinary norm identified his self with the self of all beings and delighted in their welfare.

Such an individual is described by Kautilya as a *Tirtha* which means in ordinary parlance a

ford or a passage, and one who showed a passage through life to the other world and for the benefit of mankind. It is said that King Ajatasatru of Magadha was in the habit of paying homage to *Tithiyas* and celebrated teachers of his time. The Jains called their teachers *Tirthakaras* and Vishnu has been called *Tirthakara* in the Mahabharata.¹ Dr. Bhandarkar says 'The main object of *Dandaniti* was to encourage and foster the life of a philosopher and ensure the continuance of thought in the sphere of higher realms with a view to discover a correct pathway to the next world, to enlightenment and to the exaltation of mankind.'² Asoka honoured the various sects and recluses and householders who led this life and insisted upon his people showing reverence and giving gifts³ to such holy men however divergent their tenets might have been. Illustrious rulers of India long before Asoka had respected this mode of living and even had paid homage even to slaves when they became recluses. It was customary for kings to develop the natural resources of their kingdom and augment the sources of the state revenue, so that they might give gifts, grant safety to holy personages and provision for their comforts.

Kautilya appreciated the full import of the fourth constituent of *Dandaniti* when he declares

1 Anusasana parva. Ch. 149, Vol. 47

2. Dr. Bhandarkar: Some aspects of Ancient Hindu Polity, p. 198.

Manu, VILL, verses 99-101

Santhiparva: Ch. LIX v 57, CXL, v 5

³ 'Yagnadana tapah Karma pavanani Manoshinaya'

that the king should discover the *Tirthas* and bestow the augmented portion of his wealth on them.

‘*Vridddhasya Tirtheshu Pratipadani*’ The *tirtha* was one who had attained an equilibrium between static and dynamic forces of society, who was a genuine lover of knowledge and free from taint of cowardice, pettiness, covetousness and fear and who was lofty minded and who followed truth and justice. The *Tirtha* was a universalist, a believer not only in legal but also in transcendental equality. He was a *Samadarsi* who saw the finite existing in the infinite and the finite acquiring reality by existing in the infinite. He was peculiarly inclined toward a harmony among all the contending aims and objects of life; and his recognition of the Infinite in every thing was not a mere intellectual concept but the very life principle recognised in all sentient beings, plants and animals, ¹

The *Tirtha* was the invigourating impulse to lift society to a higher plane of perfection and to discover beneath inertia, outworn forms and obsolete habits of living, the integrity of the social soul, and to defend or modify society so as to make it an embodiment of this living dynamic force. Society was static so long man did nothing better than follow the social patterns performing various acts for *Dharma*, *Artha* and *Kama*. The *Tirtha* as the leader of society, free from ignorance and self-interest could

1. Max Muller : India what it can Teach us. Lecture III
B. Ray : Aims and Ideals of Ancient Indian Culture. 1938

discriminate between *Dharma* and *Adharma*, indicate the ills of life and just results of misdeeds and the way out of the relentlessness of the law of nature. He was the doctor who could diagnose the diseased condition of social organisation, which would lead to annihilation and administer the antidote to it by a new *dharmic* way of life, either by revitalising some old concepts or by suggestion of a new principle which would energise society to a life of righteousness and justice. The life of the *Tirtha* was thus dedicated for the increase of the aggregate of righteousness in society and to preserve the integrity of the developing social order.¹

Kautilya recognised the interrelation among all the different systems of thought of his day and attempted at a synthesis of Vedic ritualism, *Jnana* Puranic *Bhakti* and the Buddhistic theory of *Karma* and love and brotherhood of mankind. The high place that Kautilya has given to *Tirthas* or the 'Elect' in Artha Sastra as the leaders of mankind to be venerated by the king and the people, testifies to the extraordinary ethical development of the Age.

The Hindu spiritual culture was indissolubly bound up with every phase of the ancient Hindu civilization, and had influenced and determined to a great extent their manners, customs and institutions, through which their thoughts and feelings found expression. Max Muller once said 'that India with her civilization was unique as was her literature

1. Journal of the American oriental Society,
September 1942, p 153.

in the history of the world, and this uniqueness lay in this fact, that the whole nation was bent on the search for spiritual truth and from one end of the land to the other, people sought and honoured spiritual freedom. The nation was formed for a spiritual purpose, planned to assist spiritual evolution. The State was formed to a spiritual end; the family was built on a spiritual basis, the whole daily life expressive of *Asrama* stages of existence was moulded to conduce to spiritual progress.¹ Kautilya had visualized that India, the home of spiritual realities, showed a downward trend, and that disorganisation and disuse of the *Asrama* stages of life as the direct result of Buddhist influences, were responsible for the spiritual ebb among the people. The decline of material prosperity was due to the fact that spiritual and religious matters came to receive too much of attention, and there was the total neglect of the second stage of life which was principally devoted to the secular side of human life and society. That *Artha* was the basis upon which Dharma and *Moksha* depended, went unheeded and *Yogakshema Sadhana*, the life of acquisition, preservation and improvement, which was preeminently secular, was relegated to the background. The stages of life with their proper allotment of duties were so well planned that each stage had a particular contribution to make to the ideals of human life and to minister to the necessities of that society.

1. Max Muller : India, What can it teach us ?

But, Buddhist conception of life had fostered a social organization in which the *Grihastha* was taken out of his duties and obligations to the social and economic life of society, to the all absorbing aspiration of renunciation and divine contemplation. There was the encroachment of the ideal of life of the third and the fourth stages of life upon that of the second, bringing about a dislocation of *Asrama* organisation and preventing a smooth and ordered flow of aspirants duly disciplined, from one stage to the next. The defective functioning of the second and the secular stage of existence and the deviation from the prescribed duties and obligations, starved secular well-being and reduced and impoverished the candidates who were zealous in the pursuit of secular duties and upon whom depended principally the material welfare of the country.

Kautilya denounced this tendency which enhanced the value of religious life to the detriment of the secular aspects of society. As a result of the impact of the Nihilistic religion of Buddhism and Jainism upon Hindu society, the Hindu social organization which served to maintain the regular supply of a large number of persons with opportunities to enter the higher life under the direction of adepts, who again could thus obtain greater opportunities of lifting a large number of persons from among the initiated to the higher rung of spiritual life, was disrupted. Kautilya accordingly sounded a note of warning to the generation that dissolution of society would follow the total

absorption of society in rapturous contemplation of spiritual matters to the neglect of *Artha* which was the foundation of *Dharma*. Like sound and meaning, or macrocosm and microcosm essential to an enumeration of truth, *Artha* and *Dharma* are a combination *ensemble*; and the consequence of a divorce of action from contemplation, or of temporal power from spiritual authority is a state of *Matsya Nyaya* with no conscience and ideals leading to an imbecile and unprincipled tyranny of Theocracy. .

Kautilya envisaged a comprehensive social plan which realised *Dharma* through *Artha* which united regulation and freedom, functional division and group autonomy; loyalty to the State and to social groups with loyalty to eternal norms of conduct; equality of functions with recognition of natural inequality so as to substitute an equality of service in place of both. It was a beneficent eclecticism which reflected the tolerance of every religious effort and harmonised them all on the solid foundation of *Rashtra Dharma*.

Kautilya like Plato and Aristotle, was both a patriot and a philosopher. He sought to restore rational government in India and also to trace the ideal outline of human society. As man can achieve his full life by the pursuit of *Varna Asrama Dharma*, Kautilya met the universal craving of man for some guiding and saving power external to the individual by pointing not to a priesthood or *vedantism* but

to a *Swami*, the embodiment of the State, and who alone could fulfil the ends of man and preserve him from distortion and destruction.

All the three philosophers held that the reorganisation of the state must be based on a reorganisation of knowledge and Kautilya spoke of *Anvikshiki*, *Trayi*, *Danda* and *Varta* as the four corner stones of knowledge. All the three, base politics not on opinion but on science and Kautilya bases *Danda* not on *Trayi* but on *Artha* illumined by *Trayi*.

Again, Plato, Aristotle and Kautilya point at the moral and political misconceptions which had destroyed the integrity of States and had devitalised them, by destroying the unity and the best endowed natures of each. The solution for this malady according to Plato and Aristotle was: let every class possess the virtues demanded by the position which it has to fill; let the mass of men be just and temperate, the soldiers be brave and obedient to their rulers; and let the rulers be men of high natural gifts and worth, and to whom philosophy has given a glimpse of real existence, and who have learnt to be wise and just and good by contact with nature.

Kautilya likewise, recognises the importance of *Varnashrama Dharma* which upholds the social order based on a class division according to intrinsic natures and aptitudes, and demands conformity to it. *Danda* no longer corrupts the best natures, but

trains them to rule, by training them in philosophy. Power must be allotted to each state conformably to the social conditions prevailing in it, and those who exercise power must be moderate and avoid extremes and deviations from the path of *Varna Ashrama Dharma* which regards virtuous action as the main constituent of happiness.

The *Rashtra* exists for the common good and that government which promotes virtuous action is government for the common good. Kautilya regards strenuosity *Vyayamah*, and tranquility *Samah* as two cardinal aspects of political existence. *Karmarambhanam Yogaradhana vyayamah Karmaphalopabhoganam kshemaradhanah Samah*.¹ To Kautilya strenuosity and tranquility, *Yoga* and *Kshema* are the respective sources of exertion and peaceful possession. Strenuosity is the accomplishment by exertion of the undertaking of activities. Tranquility is the accomplishment by peaceful possession of the enjoyment of the fruits of the activities once attained. *Apurva labho Yogah, tasya vyayamah karanam arjitanam nirvighnopabhogah kshemah*.²

The supreme value of *ArthaSastra* consists in its giving a badly wanted corrective to the other-worldly bias of the Indian temperament and character. Kautilya warns that the gap between principles and practice is deadly, and that *Anartha*

1. *ArthaSastra*, Book VI, Ch. 2

2. do Tr. Ganapathi Sastri.

Adharma and *Soka* follow a life of inaction *Svatah Paratova bhayotpattir anarthah*. Life should be made *Sarthaka* by the avoidance of *anartha* and by active pursuit of *Purusharta*. Thus, with *Yogakshema Sadhana*, the *Rasthra* will be at one with itself and the soul of the individual will be so too, and a moral and political regeneration will proceed hand in hand with the regeneration of *Artha* which undoubtedly will be fulfilled in self-realisation.

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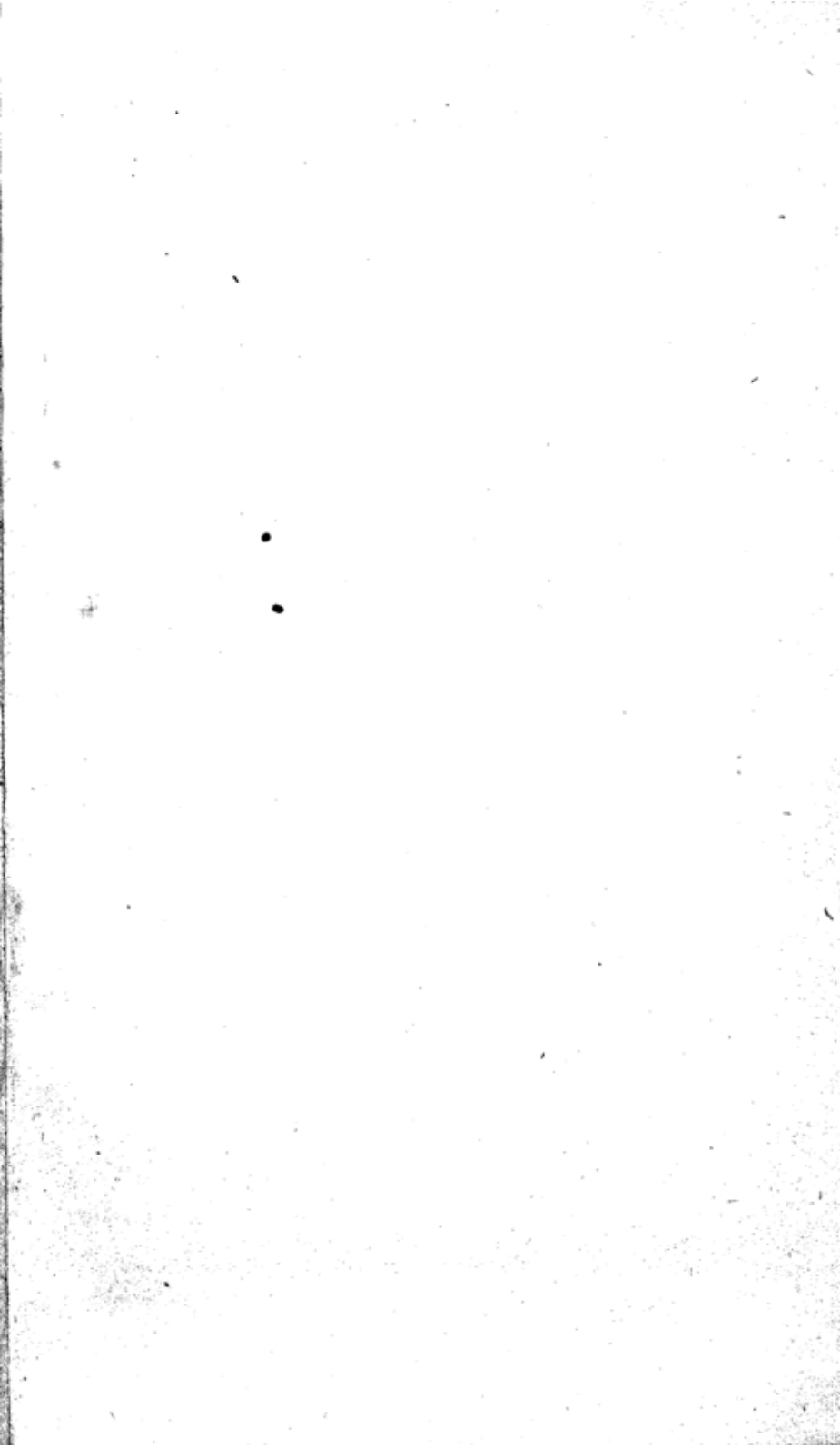
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